FEDERAL REGISTER

VOLUME 13 NUMBER 24

Washington, Wednesday, February 4, 1948

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LISTS OF POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order 9830 and at the request of the National Labor Relations Board, the Commission has determined that the positions of Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor-Management Relations Act should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (35) is amended by the addition of a subdivision (ii).

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A* * * *

(35) *National Labor Relations Board* * * *

(ii) Election Clerks and Election Examiners for temporary, part-time or intermittent employment in connection with elections under the Labor-Management Relations Act.

(Sec. 6.1 (a) E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-985; Filed, Feb. 3, 1948; 8:50 a. m.]

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

MISCELLANEOUS AMENDMENTS

1. Paragraph (d) of § 20.2 (12 F. R. 7186) is amended by the insertion of a new sentence immediately preceding the last sentence in the paragraph. This amendment shall be effective upon publication in the FEDERAL REGISTER as to employees on the rolls of agencies on and after the date of such publication, whether or not they have received notice of proposed actions in reductions in force. Paragraph (d) as amended reads as follows:

§ 20.2 *Definitions* * * *

(d) "Federal Government service" means the total of all periods of service eligible for consideration for civil service retirement purposes, without regard to whether the employee is eligible or will be eligible actually to receive retirement benefits. All active military service is counted whether or not veteran preference is given therefor or whether it is eligible to be considered for civil service retirement purposes. Employees who have been restored to positions in accordance with the Merchant Marine Act of June 23, 1943 (Public Law 87, 78th Congress), are entitled to count the full period of Merchant Marine service in computing retention credits. Total service shall consist only of full years of creditable service, but fractions of a year shall be considered in arriving at the total.

2. Section 20.13 (12 F. R. 7189) is amended to read as follows:

§ 20.13 *Appeals.* Any employee who feels that there has been a violation of his rights under the regulations in this part may appeal to the appropriate office of the Civil Service Commission within 10 days from the date he received his notice of the action to be taken. This time limit may be extended only upon a showing by the employee that circumstances beyond his control prevented him from filing his appeal within the prescribed 10 days. In order that employees may be informed of the facts on which action is based they shall have the right to examine a copy of the regulations in this part and to inspect the retention registers and records of their grades, including statements of reasons for passing over employees with lower standing on the retention list. Each appeal should set forth whether it is based upon an error in the records and specify the nature of the error, violation of the rules of selection, restriction of the competitive area or competitive level, disregard of a specified right under the law or regulations, or denial of right to examine regulations, retention registers, or records of his grade.

The Commission will consider the correctness of an efficiency rating which is

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] See Title 5, Part 6.

CODIFICATION GUIDE—Con.

made the basis of a reduction in force appeal only in the cases of preference eligibles and then only where the alleged incorrect rating is less than "good" and is not appealable to a board of review established under the provisions of section 9 of the Classification Act of 1923, as amended. When appeals are considered under this section, no attempt will be made to establish the correctness of the rating beyond ascertaining whether the demonstrated work performance of the appellant was "less than 'good'" or

"'good' or better" so as to determine the correctness of the retention subgroup classification in which the preference eligible was reached for separation. However, the Commission will consider the correctness of an efficiency rating which is not appealable to a board of review in any case where adverse action is proposed to be taken too soon to permit diligent use of administrative appellate procedures, where the employee was misinformed of his rights under such procedures, where coercive measures were used to prevent recourse to such procedures, or where the employee presents satisfactory reasons for not using such procedures.

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-986; Filed, Feb. 3, 1948; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[Farm Credit Administration Order 476]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATES ON LOANS

Sections 70.90, 70.90–50, 70.90–51, 70.90–53, and 70.90–54 of Title 6 of the Code of Federal Regulations are hereby amended to read as follows:

§ 70.90 *Interest rate on continental loans for financing operations.* Except as provided in this section with respect to the Berkeley, Columbia, St. Louis, New Orleans, Spokane, Baltimore, Wichita, and Houston Banks for Cooperatives, the rate of interest on all loans, other than upon the security of commodities, made on and after February 24, 1939, by any district bank for cooperatives, for the purposes specified in section 7 (a) (1) of the Agricultural Marketing Act, as amended (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), shall be 2½ per centum per annum. The rate of interest on all such loans made on or after September 15, 1947, by the Berkeley and Columbia Banks for Cooperatives, and on and after December 1, 1947, by the St. Louis and New Orleans Banks for Cooperatives shall be 2¾ per centum per annum, and on and after February 1, 1948, by the Spokane Bank for Cooperatives, and on and after March 1, 1948, by the Houston Bank for Cooperatives, and on and after April 1, 1948, by the Baltimore and Wichita Banks for Cooperatives shall be 3 per centum per annum.

§ 70.90–50 *Interest rate on continental commodity loans.* Except as specified in § 70.90–51, and except as provided in this section with respect to the Berkeley, Columbia, St. Louis, New Orleans, Baltimore, Wichita, Houston, and Spokane Banks for Cooperatives, the rate of interest on all loans made upon the security of commodities on and after February 24, 1939, by any district bank for cooperatives for the purposes specified in section 7 (a) (1) of the Agricultural Marketing Act, as amended (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), shall be 1½ per centum per annum. The rate of interest on all such loans made on and after March 1, 1947, by the Berkeley Bank for Cooperatives, and on and after September 15, 1947, by the Columbia Bank for Cooperatives, and on and after December 1, 1947, by the St. Louis and New Orleans Banks for Cooperatives shall be 1¾ per centum per annum, and on and after February 1, 1948, by the Spokane Bank for Cooperatives, and on and after March 1, 1948, by the Houston Bank for Cooperatives, and on and after April 1, 1948, by the Baltimore and Wichita Banks for Cooperatives shall be 2 per centum per annum.

§ 70.90–51 *Interest rate on continental loans and loans made in Puerto Rico secured by Commodity Credit Corporation loan documents.* Except as provided in this section with respect to the Berkeley, Columbia, St. Louis, New Orleans, Baltimore, Wichita, Houston, and Spokane Banks for Cooperatives and with respect to such loans made in Puerto Rico by the Baltimore Bank for Cooperatives, the rate of interest on loans made on and after June 30, 1947, by any district bank for cooperatives upon the security of approved Commodity Credit Corporation loan documents, shall be 1½ per centum per annum. The rate of interest on all such loans made on and after September 15, 1947, by the Berkeley and Columbia Banks for Cooperatives, and on and after December 1, 1947, by the St. Louis and New Orleans Banks for Cooperatives shall be 1¾ per centum per annum, and on and after February 1, 1948, by the Spokane Bank for Cooperatives, and on and after March 1, 1948, by the Houston Bank for Cooperatives, and on and after April 1, 1948, by the Baltimore and Wichita Banks for Cooperatives shall be 2 per centum per annum. The rate of interest on such loans made on and after April 1, 1948, in Puerto Rico by the Baltimore Bank for Cooperatives shall be 2½ per centum per annum.

§ 70.90–53 *Interest rate on commodity loans in Puerto Rico.* The rate of interest on all loans upon the security of commodities made on and after April 1, 1948, for the purposes specified in section 7 (a) (1) of the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, by the Baltimore Bank for Cooperatives to borrowers located in Puerto Rico shall be 2½ per centum per annum.

§ 70.90–54 *Interest rate on loans in Puerto Rico for financing operations.* The rate of interest on all loans made on or after April 1, 1948, for the purposes specified in section 7 (a) (1) of the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, other than upon the security of commodities, by the Baltimore Bank for Cooperatives to borrowers located in Puerto Rico shall be 3½ per centum per annum.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

[SEAL] I. W. DUGGAN,
Governor.

JANUARY 29, 1948.

[F. R. Doc. 48-1019; Filed, Feb. 3, 1948; 8:56 a. m.]

Subchapter F—Banks for Cooperatives

[FCA Order 475]

PART 70—LOAN INTEREST RATES AND SECURITY

Correction

In Federal Register Document 48-768, appearing on page 359 of the issue for Tuesday, January 27, 1948, the word "removal" in § 70.90–57 should read "renewal".

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 955—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

On July 25, 1947, a notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 4964) pursuant to the Administrative Procedure Act (60 Stat. 237) regarding the administrative rules proposed by the Administrative Committee, established under the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.), regulating the handling of grapefruit grown in the State of Arizona; Imperial County, California; and that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the Administrative Committee adopted the rules and regulations hereinafter set forth to become effective 30 days after publication in the FEDERAL REGISTER, relative to the reports required to be submitted by each handler (as such term is defined in the aforesaid marketing agreement and Order No. 55), and the same are hereby approved.

Sec.
955.100 General.
955.101 Definitions.
955.105 Reports.
955.106 Fruit not subject to regulation.

AUTHORITY: §§ 955.100, 955.101, 955.105, and 955.106, issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 955.5 and 955.6.

§ 955.100 *General.* Unless otherwise provided in the marketing agreement and order or by specific direction of the Administrative Committee, all reports, applications, submittals, requests, and communications in connection with the

marketing agreement and order shall be addressed to, and all forms obtained from, Grapefruit Administrative Committee, 503 Security Building, Phoenix, Arizona.

§ 955.101 *Definitions.* Terms defined in the marketing agreement and order shall, when used herein, have the same meaning as set forth in the marketing agreement and order.

§ 955.105 *Reports.* The reports required to be submitted by paragraphs (a) and (b) of this section shall cover all grapefruit shipped during a calendar week.

(a) *Weekly disposition of grapefruit.* (1) Each handler shall furnish the Administrative Committee, by not later than Monday of each calendar week, the following information on a property executed Report of Weekly Grapefruit Movement (Form No. 2), in the manner prescribed on such form, with respect to all grapefruit handled by such handler, during the immediately preceding calendar week:

(i) The date of the last day of the calendar week;

(ii) The quantity shipped in interstate commerce, to Canada, and to other foreign countries;

(iii) The quantity shipped by express and parcel post;

(iv) The quantity shipped for distribution to persons on relief, including donations for charitable purposes;

(v) The quantity sold for consumption in fresh form within the State of origin;

(vi) The quantity sold or otherwise disposed of for canning or for manufacturing into by-products; and

(vii) The quantity disposed of otherwise.

(2) With respect to each shipment to a foreign country, as described in paragraph (a) (1) (ii) of this section, each handler shall forward promptly to the Administrative Committee an executed copy of the bill of lading (if shipment was made by water) or an officially executed copy of such foreign country's landing certificate, stating that the fruit was imported from California or Arizona upon a specified date and that duty thereon has been paid or secured to be paid; the marks and numbers; the quantity; the description of the goods; the date of entry and number; the place from which shipment was made; and the signature of the Collector of Customs. A receipted railway freight bill paid at destination point within Canada may be submitted in lieu of a Canadian landing certificate.

(b) *Shipping manifest report.* Each handler shall forward to the Administrative Committee with each Report of Weekly Grapefruit Movement (Form No. 2), a separate copy of the manifest covering each shipment made during the calendar week of such report. Each such copy shall be one of the copies of Manifest (Form No. 8) originally issued for the partciular shipment and shall contain the following information:

(1) The date of shipment;
(2) The name of the handler;
(3) The destination of the shipment;
(4) The number of the railroad car or the truck in which shipment was made;
(5) The number of boxes, by grades and sizes, of standard lidded pack;
(6) The number of boxes, by grades and sizes, of flat pack;
(7) The number of pounds of loose fruit shipped; and
(8) The number of the inspection certificate issued for the shipment.

§ 955.106 *Fruit not subject to regulation*—(a) *Diversion of grapefruit.* Each handler who diverts grapefruit to a byproducts plant, to a charitable institution, or by dumping shall, immediately upon such diversion, mail to the Administrative Committee the following information on a properly executed Grapefruit Diversion Report (Form No. 1), in the manner prescribed on such form:

(1) The date on which the diversion was made;
(2) The name and address of each byproduct plant, charitable organization, or official dump (as the case may be) to which such diversion was made;
(3) The license number of the truck or the initial and number of the railroad car in which such diverted fruit was transported;
(4) The quantity of fruit diverted, as aforesaid;
(5) The net weight of the fruit diverted to a byproducts plant, as weighed in at such plant; and
(6) The signatures of the handler and receiver of the diverted fruit.

Done at Washington, D. C., this 29th day of January 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-993; Filed, Feb. 3, 1948; 8:51 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of Federal Reserve System

PART 224—DISCOUNT RATES

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view of accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 (12 CFR, 1946 Supp.) is amended to read as follows:

Sec.
224.1 Introduction.
224.2 Advances and discounts for member banks under sections 13 and 13a.
224.3 Advances to member banks under section 10 (b).
224.4 Advances to persons other than member banks.
224.5 Buying rates on bills.
242.6 Rates to industrial or commercial businesses under section 13b.
224.7 Rates to financing institutions under section 13b.
224.8 Findings.

AUTHORITY: §§ 224.1 to 224.8, inclusive, issued under sec. 14 (d), 38 Stat. 264 as amended by 41 Stat. 550, 42 Stat. 1480 and 49 Stat. 704, 706; 12 U. S. C. 357.

§ 224.1 *Introduction.* The following are the rates to be charged by the Federal Reserve Banks as established by such Banks and as reviewed and determined by the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 14 (d) of the Federal Reserve Act. All rates are stated in percent per annum. Except as otherwise provided, these rates are effective immediately.

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	1¼	Jan. 14, 1948
New York	1¼	Jan. 12, 1948
Philadelphia	1¼	Do.
Cleveland	1¼	Do.
Richmond	1¼	Do.
Atlanta	1¼	Do.
Chicago	1¼	Do.
St. Louis	1¼	Do.
Minneapolis	1¼	Do.
Kansas City	1¼	Jan. 19, 1948
Dallas	1¼	Jan. 12, 1948
San Francisco	1¼	Jan. 15, 1948

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	1¾	Jan. 14, 1948
New York	1¾	Jan. 12, 1948
Philadelphia	1¾	Do.
Cleveland	1¾	Do.
Richmond	1¾	Do.
Atlanta	1¾	Do.
Chicago	1¾	Do.
St. Louis	1¾	Do.
Minneapolis	1¾	Do.
Kansas City	1¾	Jan. 19, 1948
Dallas	1¾	Jan. 12, 1948
San Francisco	1¾	Jan. 15, 1948

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2½	Jan. 14, 1948
New York	2½	Apr. 6, 1946
Philadelphia	2	Mar. 23, 1946
Cleveland	2	Mar. 9, 1946
Richmond	2½	Mar. 16, 1946
Atlanta	2½	Jan. 24, 1948
Chicago	2½	Jan. 12, 1948
St. Louis	2½	Do.
Minneapolis	2½	Jan. 15, 1948
Kansas City	2½	Jan. 19, 1948
Dallas	2	Mar. 16, 1946
San Francisco	2½	Apr. 25, 1946

§ 224.5 *Buying rates on bills.* The minimum buying rates for prime bankers' acceptances are:

Federal Reserve Bank of—	Rate	Effective
Boston	1¼	Jan. 14, 1948
New York	[1] 1¼	Jan. 12, 1948
Philadelphia	1¼	Jan. 19, 1948
Cleveland	1¼	Jan. 26, 1948
Richmond	1	Sept. 14, 1946
Atlanta	1¼	Jan. 24, 1948
Chicago	1¼	Jan. 19, 1948
St. Louis	1¼	Jan. 23, 1948
Minneapolis	1¼	Jan. 15, 1948
Kansas City	1¼	Jan. 30, 1948
Dallas	1	Sept. 14, 1946
San Francisco	1¼	Jan. 15, 1948

[1] Rate also applies to trade acceptances at Federal Reserve Bank of New York.

§ 224.6 *Rates to industrial or commercial businesses under section 13b.* The rates to industrial and commercial businesses (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On loans	On commitments	Effective
Boston	2½–5	½–1¼	Jan. 14, 1948
New York	2½–5	½–1¼	June 6, 1942
Philadelphia	2½–5	½–1¼	May 20, 1942
Cleveland	2½–5	½–1¼	May 8, 1942
Richmond	2½–5	½–1¼	May 23, 1942
Atlanta	2½–5	½–1¼	May 16, 1942
Chicago	2½–5	¼–1¼	Oct. 5, 1944
St. Louis	2½–5	½–1¼	May 16, 1942
Minneapolis	2½–5	½–1¼	Do.
Kansas City	2½–5	½–1¼	June 6, 1942
Dallas	2½–5	½–1¼	May 16, 1942
San Francisco	2½–5	½–1¼	May 23, 1942

§ 224.7 *Rates to financing institutions under section 13b.* The rates to financing institutions under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On discounts or purchases		On commitments	Effective
	Portion for which institution is obligated	Remaining portion		
Boston	[1]	[2]	½–1¼	Jan. 14, 1948
New York	[1]	[2]	½–1¼	June 6, 1942
Philadelphia	[3]	[2]	½–1¼	May 20, 1942
Cleveland	[1]	[2]	[4] ½–1¼	May 8, 1942
Richmond	[1]	[2]	½–1¼	May 23, 1942
Atlanta	1–5	1–5	[4] ½–1¼	Nov. 24, 1947
Chicago	2½–5	2½–5	¼–1¼	Oct. 5, 1944
St. Louis	1¼–1¾	[2]	¼–1¼	Jan. 23, 1948
Minneapolis	[1]	[2]	½–1¼	May 16, 1942
Kansas City	[1]	[2]	½–1¼	June 6, 1942
Dallas	[1]	[2]	[4] ½–1¼	May 16, 1942
San Francisco	[1]	[2]	[4] ½–1¼	May 23, 1942

[1] Rate charged borrower less commitment rate.
[2] Rate charged borrower.
[3] Rate charged borrower, but not exceeding 1 percent above rate under sec. 224.2 of this part.
[4] ¼ percent on undisbursed portion of loan.

§ 224.8 *Findings*—(a) *No notice or public participation: rates effective immediately.* There is no notice or public participation when rates now or hereafter specified in this part are reviewed and determined. The Board of Governors of the Federal Reserve System finds that in this situation such notice and public participation are impracticable, unnecessary, and contrary to the public interest for the reasons stated in section 2 (e) of the Board's rules of procedure (§ 262.2 (e) of this chapter), and especially because such procedure would prevent the action from becoming effective as promptly as necessary, would permit unfair profits, would unreasonably interfere with the necessary actions of the Board, would not aid the persons affected, and would otherwise serve no useful purpose. For the same reasons, and good cause found, the effective dates of these rates, as now or hereafter reviewed and determined, are not deferred for 30 days; and except as otherwise provided, such rates are effective immediately.

(b) *Only changes in rates published.* Under section 14 (d) of the Federal Reserve Act, rates must be established at each Federal Reserve Bank every fourteen days, or oftener if deemed necessary by the Board of Governors of the Federal Reserve System. To avoid frequent and unnecessary publication of the fact that an existing rate is continued, only changes in rates will be published; and the fact that no new rate is published means that the existing rate has been continued.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-984; Filed, Feb. 3, 1948; 8:50 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary

PART 11—ORGANIZATION AND FUNCTIONS OF THE OFFICE OF THE SECRETARY

VOLUNTARY AGREEMENTS

Part 11 is amended by adding a new § 11.11 reading as follows:

§ 11.11 *Voluntary agreements under P. L. 395, 80th Congress*—(a) *Consultation with industry and the public under section 2 of P. L. 395, 80th Congress.* Under section 2 of Public Law 395, 80th Congress, the President is authorized to consult representatives of business and agriculture with a view to making certain voluntary agreements and to approve and request compliance with such agreements. Executive Order 9919 (13 F. R. 59) delegates this authority to various officials, including the Secretary of Commerce. This Executive order also provides that consultation with industry may be through representative industry advisory committees and that an opportunity shall be given to industry, labor, and the public generally to present their views with reference to a proposed agreement or plan.

(b) *Organization of Industry Advisory Committees.* As the purpose of industry advisory committees formed under this section is to give advice to the Department of Commerce on proposed voluntary agreements and plans affecting an industry, their members are selected so as to assure that the advice so obtained will represent the viewpoint of all parts of the industry. The committees are formed of representatives of the minimum number of companies necessary to represent a fair cross-section of the industry from the standpoints of (1) large, medium, and small companies, (2) geographical distribution, (3) trade association membership, and (4) segments of the industry (types of products, degree of integration, etc.). In forming industry advisory committees the Department of Commerce will be governed by the principles of Senate Concurrent Resolution 14 (80th Congress), and the President's memorandum to heads of executive departments and agencies of December 12, 1947 with respect to the representation of small business on government committees (Appendix A attached). To promote free discussion, different levels of production and distribution are generally represented by separate industry advisory committees consisting of customers and suppliers. The membership of industry advisory committees is checked with compliance proceedings of the Department of Commerce in accordance with the policy of suspending or removing from the committee members who are found in violation of Department of Commerce orders and regulations. Members of committees pay their own expenses and are entitled to no compensation for their services as committee members.

(c) *Functions of Industry Advisory Committees.* The functions of an industry advisory committee formed by the Department of Commerce under this section are to furnish information, to give advice, and to make recommendations to the Department of Commerce, at regular committee meetings, on problems affecting the industry either in connection with the formulation of a proposed voluntary agreement or plan or in connection with an existing voluntary agreement or plan. In order to eliminate any question as to the propriety of the activities of these industry advisory committees under the anti-trust laws, the activities of these committees are limited strictly to those specified (see the Attorney General's letter of January 29, 1948; Appendix B). No other activities by these industry advisory committees or by their members are sponsored or authorized by the Department of Commerce under this section. These industry advisory committees are not authorized to determine policies for the industry nor are they authorized to compel or coerce any person to enter into any voluntary agreement or plan or to compel or coerce any person to comply with any request or order made by the Department of Commerce.

(d) *Industry Advisory Committee meetings.* Industry advisory committee meetings will be called by the Department of Commerce when a voluntary agreement or plan is under consideration or at any other time when the advice of an affected industry is appropriate in connection with a voluntary agreement or plan. The agenda of the meeting will be prepared by the Department of Commerce. Representatives of interested agencies of the Government will be invited by the Department of Commerce. If a member of a committee is unable to attend a meeting, he may suggest the name of another representative of the same organization to serve as his alter-

nate for that meeting, and as a general rule the Department of Commerce will invite the suggested alternate to that meeting. A representative of the Department of Commerce will preside at every committee meeting. The Department of Commerce will keep minutes of each meeting, and will make summaries available to members of the committee, and the industry and the trade press, and will issue press releases concerning the meeting.

(e) *Hearings on proposed agreements and plans.* In order to carry out the requirement of Executive Order 9919 that an opportunity shall be given to industry, labor, and the public generally to present their views with respect to a proposed agreement or plan, the Department of Commerce has adopted the policy of holding a public hearing at which such views may be presented. Notice of such a hearing will be given by publication in the FEDERAL REGISTER, by press release, and by any other method considered appropriate by the Department of Commerce. The notice will include a statement of the time, place, and nature of the hearing, and either the substance of the proposed plan or agreement or a description of the subjects and issues involved. The notice will ordinarily provide that persons who desire to participate in the hearing must file in advance a written notice of appearance and that persons failing to file such written notice in advance will not be heard unless good cause is shown. The scope, time, or place of a hearing for which notice has been given may be changed when necessary. Reasonable notice will be given of the hearing and of any changes. Ordinarily the time set will not be less than 10 days nor more than 15 days from the publication in the FEDERAL REGISTER of the notice of hearing. The hearing will be conducted by an official of the Department of Commerce as Hearing Officer. The Hearing Officer will regulate the course of the hearing, including the order in which statements may be presented and the length of time to be allowed for making oral statements. He may adjourn or continue the hearing to a later date or different place and will receive written statements and memoranda at the hearing or within such time after the hearing as he may determine. Such statements and memoranda should be filed in triplicate. The hearing will be informal in nature. A stenographic transcript or summary will be made of the proceedings. After the close of the hearing, the Hearing Officer will prepare and file a report with the Secretary's office summarizing the statements made at the hearing and will file with his report all written statements presented in connection with the hearing.

(f) *Requests for compliance with voluntary agreements and plans.* When a proposed voluntary agreement or plan under section 2 of P. L. 395, 80th Congress, has been formulated by the Department of Commerce with the advice of the appropriate industry advisory committee or committees and after a public hearing has been held, the Secretary of Commerce may forward his favorable recommendation of the proposed agreement or plan to the Attorney General for the latter's approval, together with the statement of facts required by Executive Order 9919. If the Attorney General approves the agreement or plan the Secretary of Commerce, upon giving his final approval, will make written request to carry out and comply with the agreement or plan to each concern which is to take action under it. The agreement or plan and the requests will be published in the FEDERAL REGISTER and forwarded to the President pro tempore of the Senate and the Speaker of the House of Representatives by the Attorney General in accordance with P. L. 395. (Pub. Law 395, 80th Cong., E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued this 30th day of January 1948.

[SEAL] W. A. HARRIMAN,
Secretary of Commerce.

APPENDIX A

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Senate Concurrent Resolution 14 (80th Congress) provided

"That the Congress recognize the valid claim of the small businessmen of America to equal representation as an entity with labor, agriculture, and other groups, on those Government commissions, boards, committees, or other agencies in which the interests of the American economy may be affected; and that the President of the United States, the members of the Cabinet, and other officers of the Government be, and hereby are, respectfully urged to accord the small businessmen of America representation on such Government agencies including particularly policy-making bodies created by Executive appointment."

In determining whether a business is a small business for the purpose of this resolution, the appointing agency should consider the relative size and position of the business in relation to the industry, the nature of its area of operation, the size of the group supplying capital and holding ownership and control, and the independence of its management.

As an alternative guiding principle for the appointing agency, a business may be considered a small business if it is a business enterprise, or a group of business enterprises under common ownership or control, which is not dominant in its field and which:

(a) If a manufacturing enterprise, has 100 employees or less; or

(b) If a wholesale establishment, has less than $500,000 annual net sales volume; or

(c) If a retail, service, hotel, amusement, construction or other enterprise not included under (a) or (b), has annual net sales or receipts of less than $100,000; or

(d) If engaged in two or more separate types of businesses, does not exceed the maximum applicable under either (a), (b) or (c) to any of such businesses.

The heads of the Executive Departments and Establishments should bear in mind the will of Congress as shown by this resolution when asking appointments to commissions, boards, committees, and other agencies in which the interests of the American economy may be affected.

The appointment of representatives of small business should be made in such a manner as to provide the small businessman an equal opportunity for representation along with labor, agriculture, and other groups on those Government commissions.

HARRY S. TRUMAN.

THE WHITE HOUSE,
December 12, 1947.

APPENDIX B

JANUARY 29, 1948.

HON. W. AVERELL HARRIMAN
Secretary, Department of Commerce
Washington, D. C.

MY DEAR SECRETARY HARRIMAN: I have received the annexed procedures, which you propose to adopt in connection with the operations of the Department of Commerce under Public Law 395 and Executive Order 9919.

In my opinion, the procedures which you propose are appropriate under Public Law 395 and Executive Order 9919. Under such procedures the functions of industry advisory committees are limited to the furnishing of information and advice to your Department in connection with proposed voluntary plans and agreements and related matters at regular committee meetings. Such committees do not have any authority to determine policies for the industry. Neither the committees nor any of their members have authority to compel or coerce any person to enter into a voluntary plan or agreement or to compel or coerce any person to comply with any request or order made by the Department of Commerce.

I wish to advise you that the activities of industry advisory committees in conformity with your proposed procedures and within the limitations contained therein would not constitute a violation of the federal antitrust laws. I believe it would be appropriate, however, to make clear to any persons whom you appoint as members of an industry advisory committee that their membership on such committee does not create any immunity under the federal antitrust laws for any other activities which might be in contravention of those laws.

Sincerely yours,

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-1003; Filed, Feb. 8, 1948; 8:52 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE

TRANSFER OF PRINCIPAL OFFICE TO WASHINGTON, D. C.; BUSINESS HOURS

The Securities and Exchange Commission has now completed the transfer of its principal office from Philadelphia, Pa., to Washington, D. C. This transfer necessitates a change in certain rules and regulations of the Commission.

Accordingly, the Commission, acting pursuant to the Securities Act of 1933, as amended, particularly section 19 (a) thereof; the Securities Exchange Act of 1934, as amended, particularly section 23 (a) thereof; the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof; the Trust Indenture Act of 1939, particularly section 319 (a) thereof; the Investment Company Act of 1940, particularly section 38 (a) thereof; and the Investment Advisers Act of 1940, particularly section 211 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of such acts, hereby takes the following action:

Section 201.1 [Rule I] of the rules of practice of the Commission is amended to read as follows:

§ 201.1 *Business hours.* The principal office of the Commission, at 425 Second

Street, NW., Washington, D. C., is open each day, except Saturdays, Sundays and holidays from 9:00 a. m. to 5:30 p. m. eastern standard time or eastern daylight-saving time, whichever is currently in effect in Washington.

The above-mentioned rules being rules of agency organization, procedure or practice, the Commission deems that the notice and procedures specified in sections 4 (a) and (b) of the Administrative Procedure Act do not apply to the foregoing action. For the same reason, it is deemed appropriate to declare such action effective immediately, pursuant to section 4 (c) of the Administrative Procedure Act.

(Secs. 19 (a), 23 (a), 48 Stat. 85, 901, 20 (a), 49 Stat. 833, 319 (a), 53 Stat. 1173, 38 (a), 211 (a), 54 Stat. 841, 855; 15 U. S. C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11)

Effective: January 26, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1041; Filed, Feb. 3, 1948; 9:41 a. m.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

TRANSFER OF PRINCIPAL OFFICE TO WASHINGTON, D. C.; BUSINESS HOURS

The Securities and Exchange Commission has now completed the transfer of its principal office from Philadelphia, Pa., to Washington, D. C. This transfer necessitates a change in certain rules and regulations of the Commission.

Accordingly, the Commission, acting pursuant to the Securities Act of 1933, as amended, particularly section 19 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of such act, hereby takes the following action:

Section 230.110 [Rule 110] of the general rules and regulations under the Securities Act of 1933 is amended to read as follows:

§ 230.110 *Business hours of the Commission.* The principal office of the Commission, at 425 Second Street NW., Washington, D. C., is open each day, except Saturdays, Sundays and holidays, from 9:00 a. m. to 5:30 p. m., eastern standard time or eastern daylight-saving time, whichever is currently in effect in Washington.

The above-mentioned rule being a rule of agency organization, procedure or practice, the Commission deems that the notice and procedures specified in sections 4 (a) and (b) of the Administrative Procedure Act do not apply to the foregoing action. For the same reason, it is deemed appropriate to declare such action effective immediately, pursuant to section 4 (c) of the Administrative Procedure Act.

(Sec. 19 (a), 48 Stat. 85; 15 U. S. C. 77s)

Effective: January 26, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1042; Filed, Feb. 3, 1948; 9:41 a. m.]

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

TRANSFER OF PRINCIPAL OFFICE TO WASHINGTON, D. C.; BUSINESS HOURS

The Securities and Exchange Commission has now completed the transfer of its principal office from Philadelphia, Pa., to Washington, D. C. This transfer necessitates a change in certain rules and regulations of the Commission.

Accordingly, the Commission, acting pursuant to the Trust Indenture Act of 1939, particularly section 319 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of such act, hereby takes the following action:

Section 260.0-5 (Rule T-O-5) of the general rules and regulations under the Trust Indenture Act of 1939 is amended to read as follows:

§ 260.0-5 *Business hours of the Commission.* The principal office of the Commission, at 425 Second Street NW., Washington, D. C., is open each day, except Saturdays, Sundays and holidays, from 9:00 a. m. to 5:30 p. m. Eastern Standard Time or Eastern Daylight-Saving Time, whichever is currently in effect in Washington.

The above-mentioned rule being a rule of agency organization, procedure or practice, the Commission deems that the notice and procedures specified in sections 4 (a) and (b) of the Administrative Procedure Act do not apply to the foregoing action. For the same reason, it is deemed appropriate to declare such action effective immediately, pursuant to section 4 (c) of the Administrative Procedure Act.

(Sec. 319a, 53 Stat. 1173; 15 U. S. C. 77sss)

Effective: January 26, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1043; Filed, Feb. 3, 1948; 9:41 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

Amendment 20 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.[1] The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule B is amended by incorporating item 23 as follows:

23. Provisions relating to Dallas Defense-Rental Area, State of Texas.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 3, 1948, the maximum rents are increased in the amount of 4 percent for all housing accommodations in Dallas Defense-Rental Area for which the maximum rents were determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under section 5 of this regulation in cases in which section 5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under section 4 (b) of this regulation and in those cases in which the maximum rent has been adjusted on or after August 22, 1947 under section 5 (a) (9) of this regulation. All provisions of this regulation insofar as they are applicable to the Dallas Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective February 3, 1948.

Issued this 3d day of February 1948.

TIGHE E. WOODS, *Housing Expediter.*

Statement To Accompany Amendment 20 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for the Dallas Defense-Rental Area, Texas, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, recommended an increase in the general rent level in the Dallas Defense-Rental Area, Texas, on freeze date rents and on those rents adjusted by orders on the basis of the rents generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 4 percent, and is, therefore, issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-1091; Filed, Feb. 3, 1948; 11:45 a. m.]

[1] 12 F. R. 4302, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 321, 476.

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATIONS

Amendment 20 to the Controlled Housing Rent Regulation.[1] The Controlled

[1] 12 F. R. 4331, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 322, 475, 476.

Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule B is amended by incorporating item 23 as follows:

23. Provisions relating to Dallas Defense-Rental Area, State of Texas.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 3, 1948, the maximum rents are increased in the amount of 4 per cent for all housing accommodations in Dallas Defense-Rental Area for which the maximum rents were determined under sections 4 (a) and 4 (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under section 5 of this regulation in cases in which section 5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under section 4 (b) of this regulation and in those cases in which the maximum rent has been adjusted on or after August 22, 1947 under section 5 (a) (12) of this regulation. All provisions of this regulation insofar as they are applicable to the Dallas Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective February 3, 1948.

Issued this 3d day of February 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 20 to the Controlled Housing Rent Regulation

The Local Advisory Board for the Dallas Defense-Rental Area, Texas, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, recommended an increase in the general rent level in the Dallas Defense-Rental Area, Texas, on freeze date rents and on those rents adjusted by orders on the basis of rents generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 4 per cent, and is, therefore, issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-1092; Filed, Feb. 3, 1948; 11:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Office of Selective Service Records

[Amdt. 9]

PART 606—GENERAL ADMINISTRATION

SUPPLYING INFORMATION FROM RECORDS AND STATEMENTS OF SERVICE

Correction

In Federal Register Document 48-254, appearing at page 135 of the issue for Friday, January 9, 1948, subdivision (v) of § 606.15 (b) (24) should read: "(v) the Chief and the Assistant Chief, State Highway Police".

Chapter XXIII—War Assets Administration

[Reg. 21]

PART 8321—PRICING AND DISTRIBUTION POLICY FOR PRODUCTION MATERIALS AND PRODUCTION EQUIPMENT

War Assets Administration Regulation 21, August 30, 1947, as amended through December 30, 1947, entitled "Pricing and Distribution Policy for Production Materials and Production Equipment" (12 F. R. 6071, 6359, 7964, 13 F. R. 82), is hereby revised and amended as hereinafter set forth. New matter is indicated by underscoring.

Sec.

AUTHORITY: §§ 8321.1 to 8321.16, inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Supp. 1611), Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Supp. 1614a, 1614b); and Reorganization Plan 1 of 1947 (12 F. R. 4534).

§ 8321.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Production materials" as used in this part means those raw or semi-finished materials which are themselves generally employed in the fabrication of end products or incorporated therein. Such materials customarily move from a manufacturer to an industrial user or distributor whose function combines that of a wholesaler and retailer. "Production materials" does not include finished products which may be incorporated in end products but customarily move to the consumer through wholesalers and retailers. These latter products are governed by the pricing and distribution policy provided for in Part 8322.[1]

(2) "Production equipment" means machine tools, plant equipment and attachments thereto, and similar types of personal property used for, or in conjunction with, production facilities, except land and buildings, whether located in Government-owned or privately owned plants or property.

(3) "Facilities contract" means a lease, rental agreement, or other contract or contract provision, specifically governing the acquisition, use, or disposition of Government-owned machinery, tools, building installations, or other property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products.

(4) "Small business" means any enterprise or group of enterprises under common ownership or control which by reason of its relative size and position in its industry is determined by the War Assets Administration to be a small business.

(5) "Integrated plant" means land, buildings, and production equipment capable of operation as a complete unit.

§ 8321.2 *Scope.* This part shall apply to disposals of production materials and production equipment by disposal agencies in the continental United States, its territories and possessions, except disposals to priority claimants as provided in Part 8302[2] and nonprofit institutions and instrumentalities as provided in Part 8314.[3] Sections 8321.11, 8321.14, and 8321.15 shall apply to owning agencies when disposing of property listed in Exhibit A of this part as contractor inventory, pursuant to other applicable regulations of the Administrator.

§ 8321.3 *Basic policy.* The Congressional policy announced by the Surplus Property Act of 1944 is to discourage monopolistic practices and to foster wide distribution of surplus commodities to consumers at fair prices, utilizing normal channels of trade in such a manner as to strengthen and preserve the competitive position of small business concerns. This part is intended to implement that policy by providing a method for the pricing and distribution of production materials and production equipment as defined herein, and in the case of production equipment in short supply, to limit effectively inequitable distribution which may occur by reason of advantages now enjoyed by war contractors in possession of such production equipment under facilities contracts containing options or other purchase rights by which such contractors may acquire title to production equipment on specified terms or on terms to be negotiated, including the right of first refusal as well as the right to acquire production equipment in short supply as contractor inventory.

§ 8321.4 *Methods of sale*—(a) *Fixed prices.* The fixed price method of sale shall be used when property meets all of the following conditions:

(1) It is a standard commercial item;

(2) It is readily marketable;

(3) It is in 0–4 condition or better; and

(4) It is available in inventory in sufficient quantity to justify sales programming at a fixed price.

[1] Reg. 22 (13 F. R. 82).

[2] Reg. 2 (12 F. R. 5586).

[3] Reg. 14 (11 F. R. 11505; 12 F. R. 257).

(b) *Competitive bids.* The competitive bid method of sale may be used (1) where the property is a nonstandard commercial item, or (2) is of unknown marketability, or (3) is available only in mixed lots or small quantities, or (4) when rapid clearance of a site is necessary, or (5) when the property remains in inventory after full and adequate offering has been made at fixed prices to all classes of purchasers in the areas in which such property is normally purchased. The competitive bid method includes the use of sealed bids, open bids and public auctions.

(c) *Negotiated sale.* Negotiated sales may be used by the disposal agency for any one or more reasons set forth in the subparagraphs hereunder: *Provided, however,* That whenever negotiated sales are used, the disposal agency shall prepare and file in writing a full justification of the desirability or necessity for using this method of sale and such sales shall not be consummated except with the approval of a reviewing authority. Such sales may be made:

(1) When the proposed purchasers can perform certain functions necessary to make the property salable, such as repairing, rehabilitating, sorting, grading, or testing, more economically and effectively than the disposal agency or others;

(2) When the property is such a hazard to health and property as to require immediate disposition;

(3) When the property will spoil or deteriorate so rapidly as to jeopardize any disposal unless immediately sold;

(4) When the property is to be sold to a foreign government by or at the request of the State Department;

(5) When the property remains in inventory after a proper and adequate offering has been made;

(6) When the disposal agency makes a written finding that the property is (i) of so special a nature or manufacture or limited use that only one or a few purchasers would be interested in the acquisition and (ii) that an offering of such property by competitive bidding would prejudice the monetary return to the Government if all such bids were subsequently rejected.

§ 8321.5 *Prices and pricing methods*—(a) *General.* In fixed price sales, prices shall be established as close to the current market price as practicable, recognizing that they must be attractive enough to move the property in volume and compensate for any unusual features of the property which may add to the difficulty of reselling. Methods of distributing both production materials and production equipment vary in accordance with the nature of the property and the established commercial practices applicable to different types of property. As a consequence, pricing methods must likewise conform to such trade practices and distribution methods.

(b) *Discounts.* (1) Discounts may be granted on the disposal of surplus property only (i) when different price levels are established in order to compensate for the services rendered in the distribution of property to the various levels of trade; or (ii) when a discount is granted pursuant to the provisions of Part 8302 to compensate the Treasury Department for performing distributive services for a disposal agency; or (iii) when a discount is granted pursuant to the provisions of Part 8314 to reflect the benefit which has accrued or may accrue to the United States from the use of surplus property by educational or public-health institutions or instrumentalities. No other discounts shall be given, and there shall be no graded discounts within the same class of purchasers. Discounts may not be granted for volume purchases in any case for any item.

(2) In order to qualify for a price discount in the sale of production equipment normally sold by manufacturers only through the regular and established channels of trade, as compensation for the distributive function to be performed, each order from a distributor or dealer shall bear a certificate signed by such distributor or dealer in the following manner, showing on its face whether he claims to be a distributor or dealer respectively:

It is hereby certified that the distributor or dealer is and expects to continue to be a distributor of or a dealer in production materials or production equipment similar to those specified on this order to industrial users and other independent purchasers, and that in consideration of the receipt of the distributor's or dealer's discount on the purchase of surplus property from the United States, in accordance with the War Assets Administrator's price and distribution policy, the purchaser agrees to use his best efforts to sell such property to industrial users and small independent purchasers.

(3) In order to qualify for a price discount in the sale of production equipment normally sold by manufacturers to an industrial user without the intermediate distributive function of a distributor or dealer, purchasers of such equipment may be classified as "discount dealers" if the purpose of such purchase is to engage in a distributive function by effecting a resale of such equipment to users. This discount does not apply, however, to production equipment in short supply as defined by Exhibit A of this part. For the purpose of qualifying under this subparagraph, purchasers must acquire title to such production equipment as discount dealers for the purpose of resale as distinguished from use. Rebuilders, manufacturers, builders, exporters, dealers, or other distributors shall, as a condition prerequisite to classification as "discount dealers" and a price discount hereunder, execute a certificate signed by such discount dealer which certificate shall appear in each order by such discount dealer in the following form:

It is hereby certified that the purchaser is, and expects to continue to be, a dealer in production equipment of types similar to those specified in this order; is now engaged in the business of buying and selling such production equipment to users; and is acquiring the property listed on this purchase order for the purpose of resale either with or without rebuilding, by export or otherwise, but in any case is not acquiring this property for use as distinguished from resale. In consideration of the dealer's discount on the purchase of surplus property from the United States, in accordance with the War Assets Administrator's price and distribution policy, the purchaser agrees to use his best efforts to effect the resale of such property to users.

(c) *Production materials.* (1) In general, sales of production materials are governed by fixed prices both to ultimate users and to distributors. In the case of most such commodities, the price to the distributor and the user is the same for a specified minimum quantity at which the property may be economically disposed. Consequently, such commodities will be disposed of at one price for one minimum quantity, and only one level of trade shall be applicable. (Examples: commodities which are disposed of in bulk, such as toluene, gasoline, and sulfuric acid.)

(2) Certain production materials follow a trade practice whereby the manufacturer sells in a minimum quantity to both the distributor and the user, allowing a discount to the distributor. In such cases a similar discount will be allowed the distributor by the disposal agency. (Example: steel pipe.)

(3) It is recognized that packaging may be a determinant as to whether any particular material is adaptable for sale to ultimate users through the normal channels of trade including wholesalers and retailers, or for sale to industrial users and distributors. For example, turpentine in tank cars is customarily sold to industrial users and distributors while the same material in five (5) gallon containers is customarily sold through wholesalers and retailers. The disposal agency shall determine, in accordance with customary trade practice, and its packaging, whether any particular material is to be disposed of as a production material pursuant to the provisions of this part or as consumer goods pursuant to Part 8322.

(d) *Production equipment.* Sales of production equipment are likewise governed by fixed prices to ultimate users or distributors as follows:

(1) Much production equipment generally moves from the manufacturer to an industrial user without the intermediate distributive function of a distributor. Such equipment shall be disposed of at a single price for one minimum quantity and without a discount. (Example: large industrial equipment such as furnaces, mills.)

(2) Certain production equipment is sold by manufacturers in accordance with a trade practice to industrial users and distributors, allowing a discount to the distributor.

(3) Finally, some industrial equipment is sold by manufacturers only through the regular and established channels of trade. As a consequence, discounts will be permitted to each level of trade for the distributive function performed. (Example: small industrial tools.)

§ 8321.6 *Maximum and minimum quantities*—(a) *Maximum quantities.* (1) The maximum quantity which should be offered by the disposal agency to any one purchaser should to the extent feasible be a quantity which will assure wide distribution of the available property. Such maximum quantities shall be established in all cases where it reasonably may be expected that the total demand will exceed the supply offered for sale

within the area in which the offering is made.

(2) In fixed price sales, whenever the available quantity of surplus property is insufficient to satisfy the requirements of eligible purchasers, all purchase orders submitted by affiliated persons, firms, or corporations, or by groups thereof under common ownership or control for the same type of property in a single sales offering shall be treated as a single purchase order.

(b) *Minimum quantities.* The minimum quantity, i. e., the minimum lot size, which should be offered for sale by the disposal agency should to the extent feasible be a quantity which will enable small independent purchasers to participate. Such minimum quantities may be larger when (1) large quantities of merchandise are packaged in military cartons or in bulk containers and it would be uneconomical to repackage the property to provide for sales in smaller quantities, or (2) it is necessary to consolidate several packages in order to assure an equitable or appropriate distribution of the property to each purchaser.

§ 8321.7 *Precedence for small purchasers.* In fixed price sales, when the total supply of a commodity is less than the amount ordered, consideration shall be given to the needs of other purchasers before large quantities are sold to one or a few purchasers. Precedence shall be given to orders received from small purchasers and from distributors who serve small independent purchasers and who furnish the certificate required by § 8321.5.

§ 8321.8 *Classes of purchasers.* The following conditions shall be observed for the classes of purchasers specified below:

(a) Commercial exporters, foreign governments acting through duly accredited agents in the United States, and foreign commercial firms acting through their duly accredited agents in this country shall be permitted to participate in sales of production materials and production equipment.

(b) Purchasing agents (including resident buyers, commission men, brokers, and other agents) who perform the purchasing function for the principals they represent, shall be permitted to participate in disposals of surplus property. Sales made through these agents shall be made only in the name of the principal they represent and in fixed price sales at the level of distribution of the principal. Such agents shall be required to present a written authorization from the principal for each purchase.

(c) All purchasers who may participate in fixed price sales shall also be eligible to acquire property offered by any other method.

(d) Ultimate users (persons who buy for their own personal use) are not ordinarily expected to purchase surplus property directly from the disposal agency except when such property is offered in suitable lots or units under circumstances which will not complicate the work of disposal; or where sales to ultimate users, for example, through rural farm auctions, would be more effective than offerings by other methods.

§ 8321.9 *Exclusive sales to one purchaser.* It is contrary to general policy to sell any item of surplus property exclusively to one purchaser (including the original vendor or manufacturer). Exceptions may be taken to this rule only when:

(a) It is necessary in order to protect public health or public safety, or

(b) The exclusive purchaser can perform certain functions necessary to make the property salable, such as repairing, rehabilitating, sorting, grading, or testing more economically and effectively than the disposal agency or others, or

(c) The disposal agency makes a written finding that the property is (i) of so special a nature or manufacture or limited use that only one or a few purchasers would be interested in the acquisition and (ii) that an offering of such property by competitive bidding would prejudice the monetary return to the Government if all such bids were subsequently rejected.

§ 8321.10 *Competitive bidding.* (a) Whenever the competitive bid method of sale is employed, an upset price may be established in appropriate cases representing the tentative estimate of the disposal agency as to what may be the fair value of the property. The amount of the upset price shall not be disclosed in the offering nor in any other way to any person not in the employ of the disposal agency. If all or some bids received are lower than such upset price, the disposal agency may reject the bids below the upset price, or, with the approval of the reviewing authority may accept them. The unsold balance may be re-offered with the same or a lower upset price.

(b) No certificate or other finding shall be required that the property offered for sale by competitive bidding is scrap or salvage. No scrap warranty shall be required of the purchaser except in cases where the disposal agency finds that the property is dangerous to public health or safety.

(c) Whenever property which has not previously been offered for sale to priority claimants at fixed prices is offered for sale by competitive bidding, a reserve of such property shall be established to meet the anticipated requirements of priority claimants. The competitive bid offering shall be made simultaneously to priority claimants and to non-priority purchasers, and the lowest acceptable bid by such non-priority purchasers shall be regarded as fair value for priority claimants. Any property so reserved which remains after filling the legitimate requirements of priority claimants shall be used to fill the requirements of acceptable non-priority bidders.

§ 8321.11 *Disposals of production equipment in short supply by owning agencies.* Production equipment which the Administrator has determined to be in short supply is listed in Exhibit A of this part. Such exhibit may be amended from time to time to reflect changing circumstances in the supply of production equipment. To assure equitable distribution of this type of property, disposal thereof shall be made only pursuant to the conditions prescribed herein unless approval for deviation from these conditions is secured pursuant to § 8321.15 of this part.

(a) *Sales to contractors in possession under facilities contracts.* Owning agencies empowered to dispose of plant equipment as contractor inventory to contractors in possession pursuant to the provisions of Part 8306,[4] shall make such disposals only in accord with the following:

(1) No item of production equipment in short supply may be disposed of to a contractor in possession unless at the time of sale, or previously thereto, such contractor has released and waived any and all options or other purchase rights to any and all production equipment, including any rights of first refusal provided for by the particular facilities contract.

(2) Subject only to the provisions of paragraph (a) (3) of this section, a contractor may acquire no more than twenty-five (25) per cent in number of each item of production equipment in short supply listed in Exhibit A of this part. In computing such allowance, the base upon which such percentage shall be computed shall include all the short supply items which at the time of sale are owned by the Government under the particular facilities contract, and which are located in the war contractor's plant.

(3) A contractor in possession who is engaged in a small business as defined herein and who desires to acquire for his own use and not for resale production equipment from an owning agency may acquire the production equipment covered by the particular facilities contract without limitations as to short supply items, *Provided*, That the total cost to the Government of the production equipment covered by that particular facilities contract does not exceed $300,000.

(b) *Retention as contractor inventory.* In those cases where contractors, by pretermination agreements or otherwise, have indicated an intention to retain any production equipment pursuant to the provisions of Part 8309[5] and listed in Exhibit A of this part, then in such event, owning agencies shall be governed by the provisions of paragraph (a) of this section notwithstanding that options or other purchase rights do not exist, when such retention is for the use of such equipment by the contractor: *Provided, however*, That retentions for resale by the contractor of any item of production equipment in short supply is not authorized hereunder, and instead such property shall be declared surplus to the appropriate disposal agency pursuant to the applicable regulations of the Administrator.

§ 8321.12 *Disposals of production equipment in short supply by disposal agencies.* (a) In those cases where a contractor seeks to acquire from the disposal agency only a portion of the production equipment acquired by the Government under a facilities contract which provides for existing options or other purchase rights in the contract, then in such event, and in return for a full release and waiver of any and all options or other purchase rights to any and all

[4] Reg. 6 (12 F. R. 2363).
[5] Reg. 9 (12 F. R. 3833, 6551).

production equipment, including the right of first refusal as to all the production equipment covered by such facilities contract, the disposal agency may dispose of not more than twenty-five (25) per cent in number of each item of production equipment in short supply as listed in Exhibit A of this part and which are owned by the Government at the time of sale under the particular facilities contract.

(b) In the case of purchasers or lessees of land and buildings being disposed of as industrial or transportation real property, or as airport property, or as marine industrial real property, pursuant to the provisions of Part 8305,[6] and who desire to acquire only a portion of any production equipment located on the premises or used in the operation of any plant situated on such premises, the disposal agency may dispose of production equipment in short supply as listed in Exhibit A of this part and situated on such premises only upon a written representation from the purchaser that he intends to use such equipment in connection with the productive operation of the land and buildings and that he is not purchasing the production equipment in short supply for the purpose of reselling it, directly or indirectly, at a profit.

§ 8321.13 *Disposals of integrated plants.* Whenever an integrated plant is disposed of pursuant to the provisions of Part 8305, such disposal may include all items of production equipment in short supply which are a part of the integrated plant and located therein, *Provided,* That the purchaser makes a representation in writing that he intends to use such equipment in an integrated plan of operation and that he is not acquiring the production equipment for the purpose of selling it, directly or indirectly, at a profit.

§ 8321.14 *Leases and donations of production equipment in short supply.* Surplus production equipment in short supply as listed in Exhibit A of this part may not be leased by the disposal agency or donated by owning and disposal agencies under the Surplus Property Act, or any other law, for other than instructional purposes without the approval of the Administrator or such other person as he may designate.

§ 8321.15 *Interpretation of fractions and approval of Administrator.* (a) When determining the number of items of production equipment in short supply hereunder by application of a fixed percentage, fractions shall be disregarded and not included in the amount authorized for any purchaser.

(b) No deviation from the fractional rule provided for in paragraph (a) of this section, nor from the twenty-five (25) per cent limitation prescribed by § 8321.11 (a) (2) and § 8321.12 (a) nor from any other limitation prescribed by this part shall be authorized by the owning or disposal agencies unless the approval of the Administrator or such other person as he may designate is first obtained.

§ 8321.16 *Scrapping and salvage of machinery.* (a) The Administrator has determined that because of the cost of care, handling, and disposition, surplus machinery of any type which was manufactured during the year 1921 or any year prior thereto and was not rebuilt since 1921 is commercially unsalable and all such machinery shall, subject to the provisions of paragraph (d) of this section, upon a determination in writing by the agency in possession that the machinery was manufactured during the year 1921 or any year prior thereto, and was not rebuilt since 1921, forthwith be disposed of as salvage or scrap.

(b) From time to time, the Administrator may determine what additional types or classes of special machinery are commercially unsalable. Upon notice of such determinations, the owning and disposal agencies shall, subject to the provisions of paragraph (d), forthwith dispose of any such types or classes of surplus property in their possession as salvage or scrap.

(c) Any machinery which the disposal agency or any owning agency determines in writing to be commercially unsalable shall be disposed of as salvage or scrap or otherwise by the agency in possession pursuant to applicable regulations of the Administrator. In connection with such determinations owning agencies may request the advice and assistance of the disposal agency.

(d) Prior to the sale of a machine which is to be disposed of as salvage or scrap owning and disposal agencies may, insofar as is consistent with the provisions of Part 8319,[7] dispose of such property by donation to such nonprofit institutions and instrumentalities as make application therefor: *Provided,* That such procedure shall not delay or postpone any such disposal as scrap or salvage for a period in excess of thirty (30) days.

This revision of this part shall become effective Feb. 14, 1948.

JESS LARSON,
Administrator.

JANUARY 24, 1948.

EXHIBIT A—PRODUCTION EQUIPMENT IN SHORT SUPPLY

Standard commodity classification	*Description*
(The Standard Commodity Classification is more definitive than the description in those cases where the classification numbers are inclusive. In such cases each inclusive designation is to be considered as an Exhibit A item. Where only one classification is prescribed above as distinguished from an inclusive group, the description is controlling. References are Volume I, May 1943, Standard Commodity Classification.)	
MAJOR GROUP 25—FABRICATED METAL BASIC PRODUCTS	
25-3200 through 25-3290	Landpower boilers.
MAJOR GROUP 31—GENERAL PURPOSE INDUSTRIAL MACHINERY AND EQUIPMENT	
31-4600 through 31-4690	Overhead conveyors.
31-5100 through 31-5190	Cranes, railroad.
31-5200 through 31-5290	Overhead traveling cranes (except gantry and monorail.)
MAJOR GROUP 32—ELECTRICAL MACHINERY AND APPARATUS	
32-1311	Electric motors, fractional horsepower (less than one horsepower) A. C. only.
32-1321	Electric motors (1 to 5 horsepower, inclusive) A. C. only.
32-2210	Transformers, power and distribution, all types, 1 to 25 KVA inclusive.
MAJOR GROUP 33—SPECIAL INDUSTRY MACHINERY	
33-2500 through 33-2529	Sewing machinery, industrial.
33-3100 through 33-3190	Pulp mill machinery.
33-3200 through 33-3290	Paper mill machinery.
33-3300 through 33-3390	Paper converting machinery.
33-4000 through 33-4900	Printing trade machinery and equipment. (Standard general purpose only.)
33-5100 through 33-5190	Rubber processing machinery.
33-5200 through 33-5299	Rubber fabricating machinery.
33-5300	Rubber reclaiming machinery.
33-6000 through 33-6990	Woodworking machinery. (Standard general purpose only.)
33-7260	Die casting machines. (Standard general purpose only.)

[6] Reg. 5 (12 F. R. 7423, 7669; 13 F. R. 219).

[7] Reg. 19 (10 F. R. 14966; 11 F. R. 3691; 12 F. R. 8155).

EXHIBIT A—PRODUCTION EQUIPMENT IN SHORT SUPPLY—Continued

MAJOR GROUP 34—MACHINE TOOLS AND METALWORKING MACHINERY

NOTE: References in right-hand column are intended to facilitate identification and are taken from the Directory of Metalworking Machinery (1947) compiled under the supervision of the Committee on Metalworking Machinery of the Technical Committee on Standard Commodity Classification. In determining Exhibit A items under Major Group 34, this classification shall be used when specified.

Standard commodity classification	Description	Directory of metalworking machinery
34-1322-0 through 34-1322-9	Drills, radial, 3' arm only	3413-41-10.
34-135-00	Drills, pedestal, 110 volt, including ½" capacity (single spindle only).	3413-21-00, 3413-22-00.
34-136-00	Drills, bench, 110 volt, single phase, 60 cycle, including ½" capacity (single spindle only).	3413-11-00, 3413-12-00.
34-1600-0	Lathes, engine, screw cutting, bench and floor (not including multi-tool production and manufacturing types, only up to and including 10" swing by 48" center to center.	3416-12-00, 3416-21-00, 3416-22-00.
34-1722-0	Milling machines, horizontal, Universal size No. 2 only.	3417-22-00.
34-1772-0	Duplicator, Gorton model, 8D and 8½D only.	3417-64-00.
34-1910-0	Shapers, floor and bench type horizontal, crank and hydraulic 24" stroke and under only.	3419-11-00, 3419-12-00, 3419-13-00
34-4131-0	Press brakes (6' width and under) capacity up to and including ¼" thickness of metal.	3441-41-00.
34-4364-0	Presses, open back inclinable, floor and bench type, 56 ton capacity and under.	3443-11-00.
34-4441-0	Squaring shears, power (6' width and under) up to and including ¼" capacity thickness of metal.	3445-32-00.

MAJOR GROUP 44—RAILROAD TRANSPORTATION EQUIPMENT

Standard commodity classification	*Description*
44-1000 through 44-1900	Locomotives, all types and gauges.
44-4200 through 44-4200	Freight railroad cars, all gauges.

[F. R. Doc. 48-1074; Filed, Feb. 3, 1948; 9:58 a. m.]

[Reg. 21, Order 1]

PART 8321—PRICING AND DISTRIBUTION POLICY FOR PRODUCTION MATERIALS AND PRODUCTION EQUIPMENT

COMMERCIALLY UNSALABLE SPECIAL MACHINERY TO BE DISPOSED OF AS SCRAP OR SALVAGE

War Assets Administration Regulation 13, Order 1, May 19, 1947 (12 F. R. 3320), is hereby revised and amended as herein set forth, as Order 1 under this part.

Section 8321.16 (b) of this part provides that the Administrator may, from time to time, determine certain types or classes of special machinery to be commercially unsalable, in which case owning and disposal agencies shall dispose of such special machinery in their possession as scrap or salvage. It has been determined that certain types of special machinery having been designed for, and principally used in, the production of war material are not readily adaptable to general purpose use and are commercially unsalable for the reason that the estimated cost of care, handling, and disposition will exceed the estimated proceeds unless such machines are promptly sold as scrap or salvage.

Pursuant to the foregoing, it is hereby ordered, that:

§ 8321.51 *Commercially unsalable special machinery to be disposed of as scrap or salvage.* (a) The Administrator having determined the special machines described herein to be commercially unsalable, owning agencies are authorized to dispose of such special machines in their possession as scrap or salvage, and disposal agencies shall, subject to the provisions of § 8321.16 (d) of this part, dispose of such special machines as scrap or salvage; *Provided*, That no disposal may be made as scrap or salvage or by donation under this order until such property has been cleared with the Armed Services under the Joint Army and Navy Machine Tool Program (for convenience designated the JANMAT program) pursuant to Public Law 364, 80th Congress.

(b) Special machines so determined to be commercially unsalable and included in this order are described as follows:

MANUFACTURER AND DESCRIPTION

Avey Drilling Machine Co.: No. 4 drills.
Baird Machine Co.: 5-spindle continuously turning machines.
Baker Machine Co.: Single-end horizontal bomb manufacturing machines: No. 3½ and No. 24 floor type, horizontal bomb manufacturing machines. Two-way combination machines—bomb manufacturing machines.
E. W. Bliss Co.: No. 4, 6, 7 headers.
Black Rock Manufacturing Co.: 6" Cannelure slotting machines.
Cleveland Automatic Machine Co.: Special purpose Model B. machines.
James Coulter Machine Co.: Model T-1, T-3, T-5 and T-6 cartridge machines.
Cross Gear Machine Co.: Nos. 6, 7, 8, 9 and 10 special shell-making milling machines.
Crown Machine & Tool Co.: 3"-6" shell lathes.
Charles F. Elmes Engineering Co.: Special cartridge case presses. Special nosing presses.
Engineering and Research Corp.: 75-ton stretching press. 150-ton stretching press. 300-ton stretching press. Propeller profiling machines.
Fellows Gear Shaper Co.: Discing shapers.
Ferracute Machine Co.: Horizontal toggle and crank, 50-cal. ammunition press.
Greenlee Brothers Co.: Automatic, horizontal, vertical and angular, hydraulic feed, multiple operation, single purpose, special indexing machines.
Henry & Wright Co.: Primer inserting machines.
Hepburn-American Co.: Shell lathes, sizes A, B, B-heavy duty, and C.
Jones & Lamson Co.: Supercharger bucket grinders.
Landis Machine Co.: "Landmaco" shell tappers-models 1½ R, 1½ RR, and 1½ H. O.
Lehmann Machine Co.: All 24" special shell-making hydrotel lathes.
Lipe Rollway Corp.: Shell lathes, models B120, B140 and B100.
New Britain Machine Co.: Model 49 chucking machines.
Seneca Falls Machine Co.: Lo-Swing lathes, Model LS and special models U and LS.
Sparks Simplex Engineering Co.: Hydromatic. simplex lathe for 75-155 mm. shells.
Sunstrand Machine Tool Co.:
- Angular sliding head mills.
- Duplex spot face mills.
- Impeller mills.
- Muff mills.
- Planetary mills.
- Sliding head mills.
- Special end mills.
- Special single purpose aircraft engine production milling machines:
  - Mill type planers.
  - Slotting machines.
  - Table type milling machines.
  - Vertical milling machines.
- Swivel rotary mills.

Van Norman Machine Tool Co.: No. 100 contour milling machines.

(Surplus Property Act of 1944, as amended; 58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611; Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan 1 of 1947 (12 F. R. 4534))

This section shall become effective February 14, 1948.

JESS LARSON,
Administrator.

JANUARY 26, 1948.

[F. R. Doc. 48-1073; Filed, Feb. 3, 1948; 9:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

CROW INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404—79th Congress; the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751; 44 Stat. 658; 45 Stat. 210, 25 U. S. C. 387), the charges for operation and maintenance on lands of the Crow Indian irrigation project, Montana, to which water can be delivered, are hereby fixed on the several units for the calendar year 1948 and thereafter until further order as follows:

§ 130.12 *Charges.*

Under Government operated units, except Coburn Ditch, per acre	$1.60
Under Two Leggins Unit, per acre	1.25
Under Bozeman Trail Unit, per acre	.90
Under Lodge Grass Units 1 and 2, Reno and Agency Units, for storage operation and maintenance Willow Creek Dam, for Indian-owned lands only, per acre	.10
Certain tracts of irrigable Trust patent Indian lands within and benefited by the Two Leggins Drainage District (Contract dated June 29, 1932)	.75

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to the Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
District Director, District No. 2,
U. S. Indian Service.

[F. R. Doc. 48-965; Filed, Feb. 3, 1948; 8:46 a. m.]

[25 CFR, Part 130]

FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404—79th Congress; the Acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751; 44 Stat. 658; 45 Stat. 210, 25 U. S. C. 387), the charges for operation and maintenance on lands of the Fort Peck Indian irrigation project, Montana, to which water can be delivered, are hereby fixed on the several units for the calendar year 1948 and thereafter until further order as follows:

§ 130.38 *Charges.* (a) On the Poplar River Unit and that part of the Big Porcupine Unit not served by the Wiota pumping plant, water when available will be furnished upon approved application during each irrigation season at a flat rate of $1.00 per acre per annum for all irrigable lands included in the farm unit or allotment described in the application, whether water is used or not.

(b) On that part of the Big Porcupine Unit that is under the service area of the Big Porcupine or Wiota pumping plant, water when available will be furnished to all irrigable non-Indian lands and to all Indian owned allotments leased to non-Indians, to which delivery of water can be made, at a minimum rate of $1.50 per acre per annum. Payment of the minimum rate entitles the wateruser to the delivery of one and one-half acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $1.00 per acre-foot or fraction thereof.

(c) For Indian land farmed by the Indian owner or leased and farmed by Indians, under the part of the Big Porcupine Unit that is within the service area of the Wiota pumping plant, water when available will be furnished at the minimum rate of $1.50 per acre per annum for the entire irrigable area included in the allotment. Payment of the minimum rate entitles the Indian wateruser to the delivery of one and one-half acre-feet of water per acre included in the allotment. Any additional water delivered shall be charged for at the rate of $1.00 per acre-foot or fraction thereof.

(c–1) For all irrigable lands situated adjacent to and outside of that part of the Big Porcupine Unit that is under service area of the Big Porcupine or Wiota pumping plant, surplus water, when available and not required for irrigation of lands within the Big Porcupine Unit, will be furnished at the flat rate of $1.85 per acre-foot. Water measurement and delivery thereof will be made at project limits.

(d) On the Frazer-Wolf Point Unit (comprising all irrigable lands supplied with water from the Little Porcupine Reservoir and the Frazer Pumping Plant) water when available, will be furnished to all irrigable non-Indian lands, and to all irrigable Indian-owned allotments leased to non-Indian (whether subjugated or not), to which delivery of water can be made, at a minimum rate of $1.50 per acre per annum. Water, when available, will be furnished at a like minimum rate for the irrigable area of all subjugated Indian-owned allotments to which delivery of water can be made. Payment of the minimum rate entitles the water user to the delivery of one and one-half acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $1.00 per acre-foot or fraction thereof.

(e) For all Indian lands farmed by the Indian owner, or leased and farmed by Indians in the Frazer-Wolf Point Unit, not subjugated but to which water can be delivered, water when available, will be furnished at the minimum rate of $1.50 per acre per annum for the entire irrigable area included in each allotment. Payment of the minimum rate, entitles the Indian water user to the delivery of one and one-half acre-feet of water per irrigable acre included in the allotment. Any additional water delivered shall be charged for at the rate of $1.00 per acre-foot or fraction thereof.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to the Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
District Director, District No. 2,
U. S. Indian Service.

[F. R. Doc. 48-964; Filed, Feb. 3, 1948; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 301]

QUARANTINE ON THE UNITED STATES MAINLAND TO PROTECT HAWAII AGAINST PLANT PESTS

NOTICE OF PROPOSED RULE MAKING TO REVOKE

Notice is hereby given under section 4 (a) of the Administrative Procedure Act (60 Stat. 237) that the United States Department of Agriculture is considering the revocation of Notice of Quarantine No. 51 (7 CFR 301.51) upon the United States in order to prevent the introduction into the Territory of Hawaii of injurious insects, especially the sugarcane borer, the alfalfa weevil, the cotton-boll weevil, the papaya fruitfly, and certain insect enemies of the fruit of the avocado, and also the revocation of the rules and regulations supplemental thereto, such revocation to become effective on March 1, 1948.

This quarantine, effective October 1, 1921, was promulgated at the request of the Board of Commissioners of Agriculture and Forestry of the Territory of Hawaii. Its purpose was to assist the Board in protecting Hawaii from insect pests which might accompany sugarcane, corn, cotton, alfalfa, and fresh fruits of avocado and papaya from the United States mainland to Hawaii either in baggage or as ships' stores. Federal limitation of the inspection requirements to such commodities arriving via passengers' baggage or ships' stores, with restrictions on commercial shipments of the same commodities provided for under Territorial authority, has led to unavoidable inconsistencies in the administra-

tion of the quarantine. Accordingly, the Territorial Board, which originally requested this quarantine, has recommended that it be rescinded. Such features of the Federal quarantine as the Hawaiian authorities desire to retain will be incorporated in a Territorial Regulation. This the Territorial Board believes will provide Hawaii with safeguards equivalent to those now included in the Federal quarantine.

The Hawaiian Board of Commissioners of Agriculture and Forestry is prepared to begin the administration of their Territorial Regulation on March 1, 1948. Consequently, it is proposed to revoke the said quarantine and supplementary regulations effective on and after that date.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 8, act of August 20, 1912, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 29th day of January 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-992; Filed, Feb. 3, 1948; 8:51 a. m.]

Production and Marketing Administration

[7 CFR, Part 801]

ADMINISTRATION OF SUGAR QUOTAS

NOTICE OF RULE MAKING

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by the Sugar Act of 1948 (Public Law 388, 80th Congress), is considering the issuance of amendments, as hereinafter proposed, to General Sugar Regulations, Series 3, No. 2 (13 F. R. 127) relating to the administration of sugar quotas.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments shall file the same in quadruplicate with the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than February 13, 1948.

General Sugar Regulations, Series 3, No. 2 (13 F. R. 127) are hereby amended as follows:

1. Section 801.2 of Subpart A is amended (1) by changing paragraph (a) to read:

(a) All persons are hereby forbidden from bringing or importing into the continental United States sugar or liquid sugar produced in any area outside of the continental United States, except through customs ports of entry. The collectors of customs shall not permit any such sugar or liquid sugar to enter the continental United States unless and until (1) an application for such entry (Form SU-3) is filed by the consignee setting forth the following information: (i) The area in which such sugar or liquid sugar was produced, (ii) the port of entry, (iii) the name of the vessel and the port and date of departure, (iv) the names of the consignor, consignee, shipper, and owner, (v) the kind or type and identification marks of such sugar or liquid sugar, (vi) the purpose for which such sugar or liquid sugar is brought into the continental United States, to wit, whether such sugar or liquid sugar is for consumption in or export from the continental United States and whether it is to be further refined or otherwise improved in quality before consumption or export, or whether such liquid sugar is to be further refined or improved in quality to produce sugar principally of crystalline structure, (vii) the allotment, if any, under which such sugar or liquid sugar is being brought or imported into the continental United States, and (viii) the polarization and the weight of such sugar and the total sugar content and quantity of such liquid sugar; and (2) the Secretary certifies to the collector of customs that such sugar or liquid sugar is within the applicable quota or allotment established by the Secretary for the area in which such sugar was produced: *Provided, however,* That except as specified below, such certification shall not be required as to any quota or portion thereof until the Director or Acting Director of the Sugar Branch, Production and Marketing Administration, of the Department determines that such quota or portion thereof is filled to the extent that certification is required to maintain effective quota control and after publication of such determination in the FEDERAL REGISTER such certification shall be required for the remainder of the applicable calendar year. Such certification shall be required at all times with respect to (i) sugar imported from any foreign country other than Cuba and the Republic of the Philippines, (ii) sugar or liquid sugar from the Virgin Islands, (iii) direct-consumption sugar from Hawaii or from Puerto Rico, (iv) any sugar or liquid sugar imported or brought into the continental United States under the exemptions specified in section 212 of the act, (v) any liquid sugar which is imported or brought into the continental United States to be further refined or improved in quality to produce sugar principally of crystalline structure, and (vi) liquid sugar imported into the continental United States under section 208 of the act.

and (2) by changing the third sentence in paragraph (b) to read: "The certification shall be valid for the number of days specified thereon but not exceeding 60 days (subject to extension by the Secretary for good cause), and shall be subject to cancelation only if the Secretary determines that it has been mistakenly issued, that the person requesting it has made a material misrepresentation in connection therewith, or that the person to whom it has been issued will be unable to bring or import the sugar or liquid sugar into the continental United States during the period specified thereon."

2. Section 801.11 of Subpart B is amended by adding a new paragraph (e) as follows:

(e) *Proof of exportation.* Exportations made for the purpose of compliance with a condition of a bond given under this section shall be reported to the Sugar Branch, Production and Marketing Administration, of the Department within the first ten days of each calendar month. Such report shall be made by the person furnishing such bond, and shall cover the exportations of such sugar or liquid sugar on which drawback was allowed during the preceding calendar month. The report shall show the number of the bond to which the exportation is to be applied and the following information: (1) With respect to the exported sugar or liquid sugar, (i) the date of exportation, (ii) the quantity of sugar or liquid sugar exported, and (iii) the polarization of the sugar or the total sugar content of the liquid sugar; and (2) with respect to the imported sugar or liquid sugar on which drawback was allowed, (i) the port of entry, (ii) the date of entry or withdrawal, (iii) the entry or withdrawal number, (iv) the country of origin, (v) the quantity of the sugar or liquid sugar on which drawback was allowed, and (vi) the polarization of the sugar or the total sugar content of the liquid sugar. The first such report shall be made during the first ten days of March 1948 and shall cover all exportations of such sugar or liquid sugar on which drawback was allowed during January and February 1948. The provisions of this paragraph shall be in addition to such other proof of exportation as the Secretary may require.

3. Section 801.12 of Subpart B is amended to read:

§ 801.12 *Charging of quota upon forfeiture of bond.* Upon the forfeiture of any bond or security given pursuant to § 801.11, the quota for the country or area in which such sugar or liquid sugar originated and the allotment to which it would be chargeable if brought in or imported at the time of forfeiture shall be charged as of the time of forfeiture with the amount of such sugar or liquid sugar, and to the extent that such sugar or liquid sugar exceeds the quota of such country or area, or the chargeable allotment, the forfeiture of the bond shall constitute a violation of the quota or allotment regulations or orders issued under the act, and the person who has furnished such bond shall pay to the United States a sum equal to three times the market value of such excess sugar or liquid sugar at the time of such forfeiture.

4. Section 801.13 of Subpart B is amended to read:

§ 801.13 *Credits upon exportation of sugar or liquid sugar.* If any sugar or liquid sugar is imported from any country for consumption in the continental United States and such sugar or liquid sugar in original or processed form, or

an equivalent amount of sugar or liquid sugar, is exported from the continental United States and not used for consumption therein, or such sugar or liquid sugar is exported with benefit of drawback, or a claim or claims for drawback is or are allowed upon the basis of a designation of the imported sugar or liquid sugar, the amount of sugar or liquid sugar so exported shall, as of the date of exportation, be credited to the current quota unless such exportation is in compliance with a condition of a bond issued pursuant to § 801.11 (b).

Done at Washington, D. C., this 30th day of January 1948.

[SEAL] JESSE B. GILMER, *Administrator.*

[F. R. Doc. 48-1020; Filed, Feb. 3, 1948; 8:56 a. m.]

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

By an order issued on November 19, 1926, pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), rates and charges were prescribed for respondents. On July 29, 1941, and June 18, 1946, the order of November 18, 1926, was modified and as so modified, has been extended from time to time and is still in effect.

By petition filed January 26, 1948, the respondents have requested authority to modify the definition in their tariff of the term "draft" and to file a new schedule of rates and charges as follows:

(2) "A draft" is all those animals in one consignment weighed as a single sales or purchase classification.

SECTION A—SELLING CHARGES

	Per head
Calves:	
Consignments of 1 head and 1 head only	$0.60
Consignments of more than 1 head:	
First 5 head in each consignment	.50
Next 10 head in each consignment	.45
Each head over 15 in each consignment	.35
Cattle:	
1 head and 1 head only	1.10
Consignments of more than 1 head:	
First 15 head in each consignment	.90
Each head over 15 in each consignment	.80
Bulls	1.50

SECTION B—SELLING CHARGES

Hogs:	
Consignments of 1 head and 1 head only	.55
Consignments of more than 1 head:	
First 10 head in each consignment	.37
Next 15 head in each consignment	.30
Each head over 25 in each consignment	.25

SECTION C—SELLING CHARGES

Sheep or goats:	
Consignments of 1 head and 1 head only	.50
First 10 head in each 250 head in each consignment	.30

SECTION C—SELLING CHARGES—Continued

	Per head
Sheep or goats—Continued	
Next 15 head in each 250 head in each consignment	$0.25
Next 35 head in each 250 head in each consignment	.20
Next 60 head in each 250 head in each consignment	.10
Next 130 head in each 250 head in each consignment	.06

The charge on a rail consignment of sheep shall not exceed an amount equal to $24 × the number of double deck cars plus an amount equal to $17 × the number of single deck cars in the consignment.

SECTION E—SELLING CHARGES

Drafts

In the case of those consignments where more than three drafts are necessary or requested, 25¢ per draft in excess of three, maximum $3 on any one consignment will be charged.

Prorating

In the case of those cars where prorating is necessary or requested, the following additional charges will apply: 30¢ for each such proration, minimum 60¢ and maximum $3 on any one car. When individual statements are requested, a charge of 5¢ extra for each statement.

Subsequent Reports

A charge of 25¢ shall be made for subsequent reports necessary on subject, Bangs, and crippled animals. When subsequent accountings are made to the consignor on account of delayed sales a charge of 25¢ will be assessed for each additional account of sale rendered.

SECTION F—BUYING CHARGES

Stocker and Feeder Cattle

For purchasing stocker and feeder cattle and/or calves, $21 per 36-foot car and $23 per 40-foot car. (Order for railroad car to determine rate.) When necessary to purchase and pick up a car from more than two agencies, 50¢ per additional agency over two, maximum additional charge $3.

For purchasing stocker and feeder cattle and/or calves to be driven or hauled out, the rate shall be 85¢ per head on cattle and 45¢ per head on calves, with a maximum charge of $21 and 22,000 pounds shall be considered as the maximum weight to be purchased at this maximum rate.

When necessary to purchase and pick up an order from more than two agencies, 50¢ per additional agency over two, maximum additional charge, $3.

The minimum charge for any one purchase shall be $1.

	Per head
Stocker and feeder bulls	$1.25

(Maximum rates do not apply to bulls.)

Cattle for Immediate Slaughter

For purchasing cattle and/or calves for immediate slaughter $18 per car. When necessary to purchase and pick up a car consisting of more than two drafts, 50¢ per additional draft over two, maximum additional charge, $3.

For purchasing cattle and/or calves for immediate slaughter to be driven or hauled out, the rate shall be 75¢ per head on cattle and 45¢ per head on calves, with a maximum charge of $18 for each 22,000 pounds. When necessary to purchase and pick up an order consisting of more than two drafts, 50¢ per additional draft over two, maximum additional charge, $3.

	Per head
Slaughter bulls	$1.25

(Maximum rates do not apply to bulls.)

The minimum charge on any one purchase shall be $1.

SECTION G—BUYING CHARGES

Hogs: The rates for buying hogs shall be the same as for selling hogs (excluding Section E).

SECTION H—BUYING CHARGES

Sheep: The rates for buying sheep shall be the same as for selling sheep (excluding Section E) except as follows:

The maximum charge for buying sheep for immediate slaughter shall be:

Single deck	$15.00
Double deck	23.00
Each 250 head (other than rail)	23.00

SECTION I—BUYING CHARGES

Other Charges

When livestock is purchased for immediate slaughter for outside packers by their own buyers, market agencies merely clearing such transactions, 50 percent of the regular buying commission shall be charged with a maximum of $7.50 per car. For livestock driven or hauled out the maximum charge shall be $7.50 for each 22,000 pounds.

When a commission firm renders service to any purchaser of livestock by paying for and/or rendering service relative to tuberculosis or abortion tests, such service shall be deemed the same as a purchase of livestock and shall be charged for at the regular buying rates. When a purchaser requests only the necessary service prior to shipping or trucking out to be performed by the commission firm, a charge of 25 percent of the regular buying rate shall be made.

For delivery of cattle and/or calves for branding, dehorning, castrating, vaccinating, spraying, dipping, etc., the charge shall be (5) cents per head with a minimum charge of $1 for any one lot. (This is an additional charge to those in the paragraph immediately above.)

The present definition in the respondents' tariff for the term "draft" is as follows: "A draft, is all those animals in one consignment weighed as a single sales classification."

The corresponding rates and charges now set forth in respondents' tariff on file with the Secretary are as follows:

SECTION A—SELLING CHARGES

	Per head
Calves:	
1 head and 1 head only	$0.50
Consignments of more than 1 head:	
First 15 head in each consignment	.40
Each head over 15 in each consignment	.30
The charge on each car of calves shall not exceed $24 per single deck and $30 per double deck.	
Cattle:	
1 head and 1 head only	.95
Consignments of more than 1 head:	
First 15 head in each consignment	.80
Each head over 15 in each consignment	.70
Bulls	1.25

SECTION B—SELLING CHARGES

Hogs:	
1 head and 1 head only	.50
Consignments of more than 1 head:	
First 10 head in each consignment	.30
Next 15 head in each consignment	.28
Each head over 25 in each consignment	.24

SECTION C—SELLING CHARGES

Sheep or Goats

Cars—20¢ per head, subject to maximum charge of $14 for sheep received in a single deck car and $21 for sheep received in a

double deck car, and subject to the prorating charges named below.

Where 3 or more ownerships are included in one car, "drive-in" rates shall apply.

Drive-ins—On each 250 head of sheep or fraction thereof in one consignment, the rates shall be determined as follows: 22¢ per head, with a maximum of $14 up to and including 115 head; 20¢ per additional head above 115, with a maximum charge of $21 up to and including each 250 head.

Minimum charge on sheep or goats: 50¢.

SECTION E—SELLING CHARGES

Drafts

In the case of those consignments where more than three drafts are necessary or requested, 25¢ per draft in excess of three, maximum $3 on any one consignment will be charged.

Prorating

In the case of those cars where prorating is necessary or requested, the following additional charges will apply: 30¢ for each such proration, minimum 60¢ and maximum $3 on any one car. When individual statements are requested, a charge of 5¢ extra for each statement.

Subsequent Reports and Accounts of Sales

A charge of 25¢ shall be made for subsequent reports necessary on subject or crippled animals.

SECTION F—BUYING CHARGES

Stocker and Feeder Cattle

For purchasing stocker and feeder cattle and/or calves, $19 per 36-foot car and $21 per 40-foot car. (Order for railroad car to determine rate). When necessary to purchase and pick up a car from more than two agencies, 50¢ per additional agency over two, maximum additional charge $3.

For purchasing stocker and feeder cattle and/or calves to be driven or hauled out, the rate shall be 75¢ per head on cattle and 40¢ per head on calves, with a maximum charge of $19 and 22,000 pounds shall be considered as the maximum weight to be purchased at this maximum rate.

When necessary to purchase and pick up an order from more than two agencies, 50¢ per additional agency over two, maximum additional charge, $3.

The minimum charge for any one purchase shall be $1 for cattle and 50¢ for calves.

	Per head
Stocker and feeder bulls	$1.25

(Maximum rates do not apply to bulls).

Cattle for Immediate Slaughter

For purchasing cattle and/or calves for immediate slaughter $15 per car. When necessary to purchase and pick up a car from more than two agencies, 50¢ per additional agency over two, maximum additional charge, $3.

For purchasing cattle and/or calves for immediate slaughter to be driven or hauled out, the rate shall be 75¢ per head on cattle and 40¢ per head on calves, with a maximum charge of $15 for each 22,000 pounds. When necessary to purchase and pick up an order from more than two agencies, 50¢ per additional agency over two, maximum additional charges, $3.

	Per head
Slaughter bulls	$1.25

(Maximum rates do not apply to bulls).

The minimum charge on any one purchase shall be $1.

When cattle and/or calves are purchased for immediate slaughter for outside packers by their own buyers, market agencies merely clearing such transactions, $6.25 per car.

SECTION G—BUYING CHARGES

Stocker and Feeder Hogs

Single deck $12; double deck $18.

When less than 40 hogs are purchased to be shipped out in a railroad car, the rate shall be 20¢ per head.

For purchasing each 150 stock hogs or fraction thereof on one order to be driven or hauled out, the rates to be determined as follows: 20¢ per head, with a maximum of $12 up to and including 75 head, and 20¢ per additional head above 75 with a maximum of $18 up to and including each 150 head.

Other Hogs

For purchasing hogs other than stockers and feeders $12 per single deck and $15 per double deck car.

For purchasing each 120 head or fraction thereof of hogs on one order to be driven or hauled out, the rates to be determined as follows: 25¢ per head, up to and including 60 head, with a maximum charge of $12; and 25¢ per additional head above 60, with a maximum of $15 up to and including each 120 head.

SECTION H—BUYING CHARGES

Sheep or Goats

For purchasing sheep or goats, $14 per single deck and $21 per double-deck car. When double decks are purchased upon order and single deck cars are furnished by the carrier for any reason, the commission charges to be based upon the double deck rate.

When less than 50 head are purchased to be shipped out in a railroad car, rate shall be 20¢ per head.

For purchasing each 300 head or fraction thereof on one order to be driven or hauled out, the rates to be determined as follows: 20¢ per head with a maximum of $14 up to and including 150 head, and 20¢ per additional head above 150 with a maximum of $21 up to and including each 300 head.

The minimum charge on sheep or goats: 50¢.

SECTION I—BUYING CHARGES

Other Buying Charges

For purchasing any livestock to be shipped in one car for more than one person, an additional charge of 25¢ per purchaser to be made.

When a commission firm renders to any purchaser of livestock any service, such as paying for livestock, rendering assistance relative to tuberculosis or abortion tests, branding, dehorning, castrating, vaccinating, dipping or any other services, such as are usually rendered by commission firms at the Union Stock Yards, Omaha, Nebr., such service shall be deemed a purchase of livestock, and shall be charged for at the regular buying rates, except when the purchaser requests only the necessary services prior to shipping out or trucking out to be performed by the commission firm, a charge of 25 percent of the regular buying commission rate shall be made.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification. Such interested persons who desire to be heard upon the matter requested in such petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Done at Washington, D. C., this 28th day of January 1948.

H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-991; Filed, Feb. 3, 1948; 8:51 a. m.]

[P. & S. Docket No. 425]

SIOUX CITY STOCK YARDS CO.

PETITION FOR CONTINUATION OF EXISTING RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 191 et seq.), the Secretary of Agriculture issued an order on March 19, 1947 (6 A. D. 179) providing for certain temporary rates and charges for the respondent stockyards for a period ending March 24, 1948.

By petition filed on January 26, 1948, the respondent has requested that the said temporary rates and charges of the respondent stockyards be extended and made effective until March 24, 1950.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 28th day of January 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-990; Filed, Feb. 3, 1948; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION ORDER NO. 397

JANUARY 26, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

The 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the land hereinafter described.

At 10:00 a. m. on March 29, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 29, 1948, to June 28, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 10, 1948, to March 29, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 29, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 28, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from June 9, 1948, to June 28, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 28, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

The lands affected by this order are described as follows:

SEWARD MERIDIAN

T. 12 N., R. 4 W.,
Sec. 15, NW¼NW¼ and lot 3.

The area described contains 64.77 acres.

This land is gently rolling in character and is well drained. There is a high bluff extending along the shore line of this land which borders on Turnagain Arm of Cook Inlet. The bluff has a 45% slope and a drop of approximately sixty feet into a swamp and mud flat. At low tide the mud flat is exposed and the water is about one-half mile from the bluff. At high tide the water is too shallow to harbor boats. The shore line along this land is not used or needed for harborage purposes.

FRED W. JOHNSON,
Director.

[F. R. Doc. 48-963; Filed, Feb. 3, 1948; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-989]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JANUARY 29, 1948.

Notice is hereby given that on January 22, 1948 an application, and on January 23, 1948 an exhibit in connection therewith, were filed with the Federal Power Commission by Tennessee Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business at Houston, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain additional natural gas transmission facilities, described in the application as follows:

(A) *Additional loop lines.* Approximately 150 miles of 30-inch main line loop, to be installed between Compressor Stations Nos. 5 and 11.

(B) *Additions to compressor stations.* 10,000 h. p. of compression to be installed as follows:

2,000 h. p. at station 6;
4,800 h. p. at station 7;
1,000 h. p. at station 11;
1,000 h. p. at station 12, and
1,200 h. p. at station 13.

(C) *Lateral pipe lines to additional gas supplies.* An aggregate of approximately 150 miles of gathering lines of various sizes.

Applicant estimates the total over-all capital cost of the facilities described will be approximately $16,275,000 which Applicant proposes to finance out of funds resulting from operations and by the sale of securities and through bank loans. Additional gross revenues and operating costs, as estimated by Applicant, are expected to amount to $3,208,000 and $2,435,000 per annum, respectively, as a result of operation of the proposed facilities. No change is contemplated by Applicant in the rates to be charged.

The sales capacity of Applicant's pipe line system to result from the construction and operation of the proposed new facilities is stated to be approximately 660,000 Mcf per day. The proposed new facilities would provide an increase in Applicant's presently authorized system delivery capacity of approximately 60,000 Mcf per day. Applicant states that it will begin construction of the additional facilities immediately upon authorization and endeavor to complete the construction so that a substantial portion of the facilities will be in service some time during the winter of 1948–1949.

The additional 60,000 Mcf per day of capacity, Applicant states, is proposed to be made available for service to its customer companies in presently served market areas. Applicant refers to the certificate issued August 1, 1947, in Docket No. G–808 wherein Applicant was authorized to increase its system delivery capacity to 600,000 Mcf per day and refers to a condition in that certificate reserving jurisdiction later to determine the disposition of certain quantities of gas which were under option to United Fuel Gas Company and Hope Natural Gas Company in the amounts of 50,000 Mcf and 35,000 Mcf per day, respectively, and then states that since the issuance of the certificate in Docket No. G–808 that both of the named companies have advised Applicant that they desire to amend their contracts in such manner as to accelerate the time for the exercise of these options, because of their increased needs for natural gas. The granting of the request of the Applicant to increase its capacity to 660,000 Mcf per day, Applicant asserts, will make certain that the United Fuel and Hope Companies receive the so-called option gas, and, at the same time, provide

Applicant with sufficient authorized capacity to meet the expected demands of East Tennessee Natural Gas Company, if certificated by the Commission as requested in Docket No. G–889, as well as the demands of other companies in the same market area. Applicant asserts that in any event the demands which it has received from its customers in areas presently served render it necessary that the additional proposed facilities be installed as promptly as possible.

After referring to its pending application in Docket No. G–962 [1] to expand substantially its system delivery capacity to serve present customers and to extend into new market areas, including New England, Applicant states that by its application in this docket it is attempting to make provision to meet the immediate demands of existing customers prior to the hearing in Docket No. G–962, and at a time when it can take advantage of more favorable construction conditions which prevail during the summer months. Applicant states that if it is authorized to construct the facilities herein requested, it plans to file an amendment to its application in Docket No. G–962 to eliminate therefrom this portion of its construction program.

As to gas supplies, Applicant refers to its estimates of gas reserves and the gas purchase contracts submitted in evidence in Docket No. G–808. In this application, Applicant asserts that no further evidence of gas reserves should be required to support the daily delivery capacity of 660,000 Mcf.

In its application the belief is expressed by Applicant that prompt construction of the proposed facilities is so urgently required that the Commission should issue a temporary certificate pursuant to its authority under section 7 (c) of the Natural Gas Act to issue a temporary certificate in cases of emergency to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate. In the event such temporary authority is granted, Applicant says it will proceed with its application in Docket No. G–962 in order to determine the permanence of such authority either as a portion of Docket No. G–962 or as a separate proceeding to be consolidated therewith. If such procedure is not deemed appropriate, then Applicant urges that it be granted the necessary authorization under the shortened procedure provisions of Rule 32 (18 CFR 1.32) of the Commission's rules of practice and procedure.

Any interested State Commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Tennessee Gas Transmission Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such protest or petition shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48–1002; Filed, Feb. 3, 1948; 8:51 a. m.]

[1] This application, which was filed on October 20, 1947, requests a certificate authorizing the construction and operation of facilities designed to increase the daily delivery capacity of Applicant's system from approximately 600,000 Mcf to a total of 1,055,000 Mcf, at an estimated total cost of facilities of $150,000,000. Notice of this application was published in the FEDERAL REGISTER on October 31, 1947 (12 F. R. 7095).

FRONTIER POWER CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ADJUSTMENT ACCOUNTS

JANUARY 29, 1948.

Notice is hereby given that, on January 27, 1948, the Federal Power Commission issued its order entered January 27, 1948, in the above entitled matter, approving and directing disposition of amounts classified in adjustment accounts.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48–970; Filed, Feb. 3, 1948; 8:47 a. m.]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ADJUSTMENT ACCOUNTS AND EXTENDING TIME FOR FILING STATEMENT "F"

JANUARY 29, 1948.

Notice is hereby given that, on January 29, 1948, the Federal Power Commission issued its order entered January 27, 1948, in the above entitled matter, approving and directing disposition of amounts classified in adjustment accounts and extending time for filing statement "F."

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48–969; Filed, Feb. 3, 1948; 8:47 a. m.]

[Project No. 213]

APEX-EL NIDO MINING CO.

NOTICE OF ORDER APPROVING WITHDRAWAL OF APPLICATION FOR AMENDMENT AND RENEWAL OF LICENSE (MINOR)

JANUARY 29, 1948.

Notice is hereby given that, on January 29, 1948, the Federal Power Commission issued its order entered January 27, 1948, in the above-designated matter, approving withdrawal of application for amendment and renewal of minor license.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48–966; Filed, Feb. 3, 1948; 8:47 a. m.]

[Docket No. ID–1054]

ALBERT T. O'NEILL

NOTICE OF AUTHORIZATION PURSUANT TO SECTION 305 (B) OF THE FEDERAL POWER ACT

JANUARY 29, 1948.

Notice is hereby given that, on January 29, 1948, the Federal Power Commission issued its order entered January 27, 1948, in the above-designated matter, authorizing Albert T. O'Neill to hold certain positions in Buffalo Niagara Electric Corporation and The Niagara Falls Power Company, pursuant to section 305 (b) of the Federal Power Act.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48–967; Filed, Feb. 3, 1948; 8:47 a. m.]

[Docket No. G–765]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 29, 1948.

Notice is hereby given that, on January 28, 1948, the Federal Power Commission issued its findings and order entered January 27, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48–968; Filed, Feb. 3, 1948; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21–328]

TRADE PRACTICE RULES FOR HOSIERY INDUSTRY

NOTICE OF CONFERENCE-HEARING

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 29th day of January 1948.

In the matter of Trade Practice Rules for the Hosiery Industry re use of the word "gauge" and related terms applied to hosiery, particularly to women's full-length, circular-knit or seamless and to women's full-fashioned hose.

Notice is hereby given by the Federal Trade Commission that on February 24, 1948, beginning at 10:00 a. m. in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., a conference and hearing will be held in respect of trade practices regarding the application of the word "gauge" to hosiery, particularly women's circular-knit or seamless

full-length hose and to women's full-fashioned full-length hose. All members of the hosiery industry and all other interested or affected persons, firms, or organizations, including consumer representatives, are invited to attend and to take part in such conference and hearing. At the time and place stated, opportunity to be heard in the premises will be afforded to said members, persons, firms, organizations, and representatives.

Among the matters which may be considered are, alleged propriety or impropriety of use of the word "gauge" in marking or representing women's circular-knit, or seamless, full-length hosiery; the question of the proper application or interpretation, respecting the word "gauge," of the provisions of Rule 15 of the Trade Practice Rules for the Hosiery Industry, promulgated May 15, 1941; also, the matter of what amendment, if any, should be made to such rules in respect of the word "gauge," either by way of interpretation or otherwise; together with such other pertinent matters in relation to the word "gauge" and related terms applied to hosiery as may be presented.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-1004; Filed, Feb. 3, 1948; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 437]

RECONSIGNMENT OF CELERY AT DENVER, COLO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Denver, Colo., January 27, 1948, by Denver Vegetable Gardens, of car SFRD 7805 and PFE 76832, celery, now on the Union Pacfiic to Denver Vegetable Gardens, Cleveland, Ohio (NKP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of January 1948.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 48-987; Filed, Feb. 3, 1948; 8:50 a. m.]

[S. O. 396, Special Permit 438]

RECONSIGNMENT OF CABBAGE AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 396 at Philadelphia, Pa., January 28, 1948, by I. Meltzer & Sons, of car PFE 70829, cabbage, now on the PRR to Providence, R. I.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.

Issued at Washington, D. C., this 28th day of January 1948.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 48-988; Filed, Feb. 3, 1948; 8:50 a. m.]

[S. O. 396, Special Permit 439]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by pargaraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., January 29, 1948, by E. L. Oliver, of car Pac 47627, tomatoes, now on the Wabash to R. G. James, New York City (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.

Issued at Washington, D. C., this 29th day of January 1948.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 48-989; Filed, Feb. 3, 1948; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1013]

SCHENLEY DISTILLERS CORP.

FINDINGS AND ORDER GRANTING EXTENSION OF UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of January A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $1.75 Par Value, of Schenley Distillers Corporation.

After appropriate notice and opportunity for hearing and in the absence of any request by an interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange is the States of California and Arizona; that out of a total of 3,600,000 shares outstanding, 348,563 shares are owned by 856 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 2,260 transactions involving 206,416 shares from August 1, 1946, to July 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1.75 Par Value, of Schenley Distillers Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-971; Filed, Feb. 3, 1948; 8:47 a. m.]

[File No. 31-555]

WISCONSIN ELECTRIC POWER CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of January 1948.

Wisconsin Electric Power Company ("Wisconsin Electric"), having filed herein on August 25, 1941, a statement on Form U-3A-2 in which Wisconsin Electric claimed on behalf of itself as a holding company and on behalf of its subsidiary companies as such, exemption from the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, pursuant to Rule U-2 of said rules and regulations; and

The Commission having isued on November 4, 1947, a notice pursuant to Rule U-6 promulgated under the act that any exemption which might be available to Wisconsin Electric and its subsidiary companies as such by reason of the provisions of said Rule U-2 promulgated under the act should terminate within 30 days of said notice, without prejudice, however, to the right of Wisconsin Electric to file an appropriate application for an order granting it any exemption pursuant to the provisions of any applicable section of the act and without prejudice to any temporary exemption provided for by any provisions of the act if such application is filed in good faith:

Notice is hereby given that Wisconsin Electric filed on December 3, 1947, with the Commission on behalf of itself as a holding company and on behalf of its subsidiary companies, as such, an application under section 3 (a) of the act for exemption from the provisions of the act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in such application and that such application shall not be granted except pursuant to further order of this Commission:

It is hereby ordered, That a hearing on said application for exemption from the provisions of the act pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder be held on March 1, 1948 at 11:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission on or before February 27, 1948 in the manner prescribed by Rule XVII of the rules of practice.

It is further ordered, That Allen MacCullen or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the statement filed herein and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether Wisconsin Electric, and every subsidiary company thereof which is a public utility company from which Wisconsin Electric derives, directly or indirectly, any material part of its income, are predominantly intrastate in character and carry on their business substantially in a single state in which Wisconsin Electric and every subsidiary company thereof are organized.

2. Whether Wisconsin Electric is predominantly a public-utility company whose operations as such do not extend beyond the state in which it is organized and states contiguous thereto.

3. Whether it is detrimental to the public interest or the interest of investors or consumers to grant to Wisconsin Elecof an exemption from any provision or tric and every subsidiary company thereprovisions of the act.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Wisconsin Electric Power Company, the Wisconsin Public Service Commission, the Michigan Public Service Commission and the Federal Power Commission, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-972; Filed, Feb. 3, 1948; 8:48 a. m.]

[File No. 31-556]

ASSOCIATED GENERAL UTILITIES CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of January 1948.

Notice is hereby given that an application, pursuant to section 2 (b) of the Public Utility Holding Company Act of 1935, has been filed by Associated General Utilities Company ("AGU") for an order revoking an order of the Commission entered pursuant to section 2 (a) (8) (B) of the act on February 10, 1939, declaring AGU to be a subsidiary company of Associated Gas and Electric Company ("AGECO") and Associated Gas and Electric Corporation ("AGECORP"), both companies being predecessors of General Public Utilities Corporation ("GPU"), a registered holding company.

All interested persons are referred to said application, which is on file in the office of said Commission, for a statement of the facts upon which AGU is relying in support of the instant application, which may be summarized as follows:

The order of the Commission dated February 10, 1939 declaring AGU to be a subsidiary of AGECO and AGECORP was based upon the finding of the Commission that the then management and policies of AGU were subject to such a controlling influence by AGECO and AGECORP so as to make it necessary and appropriate in the public interest and for the protection of investors and consumers that AGU be subject to the obligations, duties and liabilities imposed upon subsidiary companies of holding companies by the act.

In general, the Commission found that AGU was incorporated by individuals, each of whom was engaged in the management of, or of the furtherance of, the policies of AGECO and AGECORP, and subsidiary companies. A voting trust agreement for the common stock of AGU dated as of October 20, 1931 was formed with three trustees, each of whom at the time of the original deposit of common stock under such agreement was engaged in the management of, or carrying out the policies of, AGECO and AGECORP. As of October 27, 1931, a company controlled by the named holding companies owned all of the then issued and outstanding common stock of AGU and deposited the same under the voting trust agreement. Subsequent to the original deposits under the trust agreement, all common stock issued by AGU was deposited by it and held under the voting trust agreement, and the purchasers of any interest in such common stock were offered and received voting trust certificates representing common stock previously deposited by AGU under the agreement. All voting rights were held exclusively by the voting trustees.

Applicant states that since the date of the Commission's Findings and Order, pursuant to section 2 (a) (8) (B), the facts and circumstances which gave rise to the issuance of such order have changed and at the present time such facts and circumstances no longer exist and AGU is no longer subject to a controlling influence, directly or indirectly, by AGECO and AGECORP or their successor, GPU. In this connection applicant states that the Voting Trust Agreement, under which the common stock issued by AGU had been deposited and which was in existence at the time the Commission's order was issued, terminated October 20, 1941, and that since the termination of the voting trust 45,300 shares of the common stock of AGU, or approximately 80% of the total, have been distributed in exchange for voting trust certificates. The remaining shares are held by Public National Bank and Trust Company for exchange for voting trust certificates. Applicant states that none of such stock is held by GPU or its subsidiaries. Applicant further states that the public stockholders of AGU have for several years exercised and now exercise all the rights and prerogatives of stockholders, and, completely independent of GPU, have selected their own management.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter:

It is hereby ordered, Pursuant to the applicable provisions of said act, that a

hearing on said application be held on February 9, 1948, at 10 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 2d Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

Whether or not the circumstances which gave rise to the issuance of the order dated February 10, 1939, declaring AGU to be a subsidiary of AGECO and AGECORP no longer exist so as to make it no longer necessary or appropriate in the public interest or for the protection of investors and consumers that AGU be subject to the obligations, duties and liabilities imposed upon subsidiary companies by the act.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before February 5, 1948 his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Associated General Utilities Company, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-981; Filed, Feb. 3, 1948; 8:49 a. m.]

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.

CORRECTIVE ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of January A. D. 1948.

It appearing to the Commission that the order issued in this matter dated December 24, 1947, and published as a part of Holding Company Act Release No. 7955 contains a typographical error by reason of the omission of certain language.

It is ordered, That the tenth paragraph be stricken and that the following two paragraphs be substituted therefor:

It is found, in accordance with the Findings and Opinion herein, that said Alternate Plan is necessary to effectuate the provisions of section 11 (e) of the act and fair and equitable to the persons affected thereby.

It is ordered, That said Alternate Plan is approved and that the applications and declarations relating thereto be granted and permitted to become effective, subject to the conditions specified in Rule U-24 and to the following additional terms and conditions:

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-973; Filed, Feb. 3, 1948; 8:48 a. m.]

[File No. 70-1676]

NEW ENGLAND GAS AND ELECTRIC ASSN. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 13th day of January 1948.

In the matter of New England Gas and Electric Association, Cape & Vineyard Electric Company, New Bedford Gas and Edison Light Company, and Worcester Gas Light Company; File No. 70-1676.

New England Gas and Electric Association ("New England"), a registered holding company, and three of its subsidiary companies, Cape & Vineyard Electric Company ("Cape & Vineyard"), New Bedford Gas and Edison Light Company ("New Bedford"), and Worcester Gas Light Company ("Worcester") having filed joint applications-declarations, as amended, pursuant to sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to the following proposed transactions:

New England will issue and sell, at principal amount plus accrued interest, to The Travelers Insurance Company and Aetna Life Insurance Company $2,613,000 principal amount and $2,612,000 principal amount, respectively, of its 20-year Sinking Fund Collateral Trust 3¼% Series B bonds due January 1, 1968.

Cape & Vineyard, New Bedford, and Worcester will issue and sell to New England (which will employ the proceeds of the issue and sale of its Series B bonds due 1968 for such purchase) additional shares of their common stock as follows:

Name of company	Number of shares	Par value per share	Sale price per share	Aggregate sales price
Cape & Vineyard	35,000	$25.00	$50.00	$1,750,000
New Bedford	46,894	25.00	67.50	3,165,345
Worcester	12,400	25.00	25.00	310,000
				5,225,345

In addition to the issue and sale of the above noted 46,894 shares of its $25.00 par value common stock to New England, New Bedford will offer, on a pro rata basis to its minority common stockholders, an additional 1,427 shares of common stock at $67.50 per share. Any such shares not purchased by the minority shareholders will, as required by Massachusetts law, be offered for sale at public auction, at which New England will enter a bid of $67.50 per share for all unsubscribed shares.

The proceeds of the issue and sale of their common stocks will be applied by Cape & Vineyard, New Bedford and Worcester as follows:

Company and application of proceeds	Principal amount	Premium	Total
Cape & Vineyard—Retire existing mortgage debt:			
4 percent Series A due 1965	$750,000	$22,500	$772,500
4 percent Series B due 1968	1,000,000	40,000	1,040,000
	1,750,000	62,500	1,812,500
New Bedford:			
Retire serial notes:			
3¼ percent due 1951	1,000,000	7,500	1,007,500
3 percent due 1955	500,000	5,000	505,000
3 percent due 1957	1,000,000	15,000	1,015,000
3 percent due 1958	750,000	20,625	770,625
	3,250,000	48,125	3,298,125
Reimburse plant replacement fund	11,667		11,667
	3,261,667	48,125	3,309,792
Worcester: Retire existing bank debt	310,000		310,000

New England has requested that the issue and sale of the $5,225,000 principal amount of its Series B bonds due January 1, 1968 be exempt from the competitive bidding requirements of Rule U-50.

The Commission having considered the record and having entered its Findings and Opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the applications, as amended, and permit the declarations, as amended, to become effective, and to grant the application of New England requesting that the issue and sale of the $5,225,000 principal amount of its 3¼% Series B collateral trust bonds due January 1, 1968 be exempt from the competitive bidding requirements of Rule U-50:

It is hereby ordered, Pursuant to sections 6, 7, 9 and 10 of the act, that the aforesaid applications-declarations, as amended, be, and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act;

It is further ordered, That the application of New England Gas and Electric

Association requesting that the proposed issue and sale of the $5,225,000 principal amount of its 3¼% Series B bonds due January 1, 1968 be exempt from the provisions of paragraph (b) of Rule U-50 requiring the submission of such issue and sale to competitive bidding be, and hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-980; Filed, Feb. 3, 1948; 8:49 a. m.]

[File No. 70-1680]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) AND SOUTHERN CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 27th day of January 1948.

The Commonwealth & Southern Corporation (Delaware) ("Commonwealth"), a registered holding company, and The Southern Company ("Southern"), a registered holding company which is a wholly-owned subsidiary of Commonwealth, having jointly filed applications and declarations pursuant to sections 6, 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-50 of the rules and regulations promulgated thereunder relating to the proposed issue and sale by Southern of additional shares of its $5 par value common stock in part to the public and in part to Commonwealth in a total amount sufficient to enable Southern to obtain approximately $20,000,000 after deduction of underwriting discounts and commissions, such proceeds to be invested by Southern in the common stocks of its subsidiary companies; and such filing providing, further, that the amount of approximately $20,000,000 to be obtained by Southern shall include an additional investment of from $5,000,000 to $10,000,000 by Commonwealth in the common stock of Southern by use of the proceeds expected to be derived by Commonwealth from its proposed sale of the common stock of South Carolina Power Company, one of Commonwealth's subsidiary companies, provided that the price for publicly offered shares of Southern's common stock is satisfactory to Commonwealth; and

Southern and Commonwealth having requested an exemption from the competitive bidding provisions of Rule U-50 with respect to the issue and sale of additional common stock by Southern; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having issued its Memorandum Opinion herein:

It is ordered, Pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, that the aforesaid application for exemption of the sale of additional common stock by The Southern Company from the requirements of subsections (b) and (c) of Rule U-50 as to competitive bidding be and it hereby is granted, subject however to the terms and conditions prescribed in Rule U-24 of the general rules and regulations.

It is further ordered, That jurisdiction be and it hereby is reserved to pass upon all other aspects of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-983; Filed, Feb. 3, 1948; 8:49 a. m.]

[File No. 70-1683]

CINCINNATI GAS & ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pennsylvania, on the 12th day of January 1948.

The Cincinnati Gas & Electric Company ("Cincinnati"), a subsidiary of The United Corporation, a registered holding company, having filed an application-declaration pursuant to sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Cincinnati has presently outstanding 2,040,000 shares of common stock having a par value of $8.50 per share. Cincinnati proposes to offer at the price of $22.00 per share an additional 204,000 shares of common stock to its own common stockholders at the rate of one share of such common stock for each ten shares of common stock held by them. The proceeds from the sale of such additional shares of common stock will be used by Cincinnati to finance in part its construction program. The rights of the common stockholders of Cincinnati will be evidenced by transferrable warrants entitling them to purchase on or before February 2, 1948 one full share of the common stock of Cincinnati for each ten shares of common stock held. Fractional warrants will be issued, but no subscription will be accepted for fractional shares of common stock, and the fractional warrants may be exercised only when combined with other fractions which, in the aggregate, entitle the holder to purchase not less than one full share of common stock. The application states that the disposition of such shares of the common stock as are not sold through the exercise of such warrants will be made at a time and in a manner to be determined at a later date, with the consent of the regulatory bodies having jurisdiction.

Cincinnati further proposes to reserve the right to stabilize the price of the common stock for the purpose of facilitating the distribution and offering thereof to the common stockholders of Cincinnati. In order to effect such stabilizing purchases, Cincinnati requests the right to acquire shares of its common stock on the respective exchanges on which said stock is traded and listed. Cincinnati further requests the right to sell the shares of stock so acquired either by sale on the exchanges through brokers with the payment of the usual brokerage commission or by sale on or off the exchange through brokers or dealers with the payment to them of commissions or allowances or concessions, such compensation not to exceed $1.25 per share. Cincinnati states that it will at no time acquire a not long position of shares of common stock of Cincinnati in excess of 10 percent of the aggregate number of shares of common stock being offered to its common stockholders. Cincinnati also requests the right to purchase the rights evidenced by the warrants to be issued to its common stockholders, through brokers on the exchanges where such rights are to be traded, and to sell through brokers on or off the exchanges any rights so acquired at prices not to exceed the current price of the rights as quoted on the New York Stock Exchange or to retain such rights at the option of the company.

The issue and sale of the additional 204,000 shares of common stock of Cincinnati was approved by the Public Utilities Commission of Ohio by order dated November 18, 1947.

Said application-declaration, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and be permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application-declaration be, and the same hereby is, granted, and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-978; Filed, Feb. 3, 1948; 8:48 a. m.]

[File No. 70-1692]

UNITED CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 12th day of January 1948.

The United Corporation ("United"), a registered holding company, having filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 with respect to the acquisition by it of 31,997 shares of common stock of The Cincinnati Gas & Electric Company ("Cincinnati"), pursuant to an offer by Cincinnati of shares of additional common stock to its common stockholders in accordance with their preemptive rights; and

Said application having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application be and the same hereby is granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-979; Filed, Feb. 3, 1948; 8:49 a. m.]

[File No. 70-1711]

CONSUMERS GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 27th day of January 1948.

Consumers Gas Company ("Consumers"), a subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 with respect to the acquisition by it from nonaffiliated interests, from time to time within one year from date of the Commission's order, of not in excess of 400 additional shares of capital stock of Reading Gas Company at prices which in the opinion of the applicant will yield a favorable return on the funds so invested; and

Said application having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-982; Filed, Feb. 3, 1948; 8:49 a. m.]

[File No. 70-1713]

CENTRAL NEW YORK POWER CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 8th day of January 1948.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Central New York Power Corporation ("Central New York"), a subsidiary of Niagara Hudson Power Corporation, a holding company which in turn is a subsidiary of The United Corporation, a registered holding company.

Notice is further given that any interested person may, not later than February 7, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 2d Street, NW., Washington 25, D. C. At any time after February 7, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to such application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Central New York proposes to issue and sell, from time to time during the calendar year 1948, its 2¼% promissory notes due December 31, 1950, in the principal amount not to exceed $10,000,000. Such notes are to be sold to twelve financial institutions and the proceeds therefrom are to be used by Central New York for construction purposes.

The proposed issue and sale is subject to the jurisdiction of the New York Public Service Commission and Central New York has filed a petition with that Commission seeking its approval of the proposed transaction.

Central New York requests that the Commission take action upon this application as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-975; Filed, Feb. 3, 1948; 8:48 a. m.]

[File No. 70-1716]

BUFFALO NIAGARA ELECTRIC CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commision, held at its office in the city of Philadelphia, Pennsylvania, on the 8th day of January 1948.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Buffalo Niagara Electric Corporation ("BNE"), a subsidiary of Niagara Hudson Power Corporation, a holding company which, in turn, is a subsidiary of The United Corporation, a registered holding company.

Notice is further given that any interested person may, not later than February 7, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 2d Street NW., Washington 25, D. C. At any time after February 7, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to such application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

BNE proposes to issue and sell, from time to time during the calendar year 1948, its 2¼% promissory notes due December 31, 1950 in the principal amount not to exceed $10,000,000. Such notes are to be sold to twelve financial institutions and the proceeds therefrom are to be used by BNE for construction purposes.

The proposed issue and sale is subject to the jurisdiction of the New York Public Service Commission and BNE has filed a petition with that commission seeking its approval of the proposed transaction.

BNE requests that the Commission take action upon this application as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-974; Filed, Feb. 3, 1948; 8:48 a. m.]

[File No. 70-1719]

PLYMOUTH GAS LIGHT CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 8th day of January 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by New England Gas and Electric Association ("New England"), a registered holding company, and its wholly-owned subsidiary, Plymouth Gas Light

Company ("Plymouth"). Applicants-declarants have designated sections 6, 9, 12 (c) and 12 (f) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 29, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 2d Street NW., Washington 25, D. C. At any time after January 29, 1948, said joint application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Plymouth now has outstanding 1,373 shares of $100 par value common stock and 1,373 shares of $100 par value 6% cumulative participating preferred stock, all of which common and preferred shares are now held by New England. Plymouth proposes to issue and sell 1,373 additional shares of its $100 par value common stock to New England which, in payment therefor, will deliver, for cancellation, its holdings of the 1,373 shares of preferred stock of Plymouth.

Applicants-declarants state that the proposed issue and sale by Plymouth of its additional shares of common stock are subject to the jurisdiction of the Department of Public Utilities of Massachusetts and attached as an exhibit to the application-declaration is an order of that department approving the proposed issue and sale. Applicants-declarants state that no other commission, other than this Commission, has jurisdiction over the proposed transactions.

Applicants-declarants request the Commission to enter an order so as to permit the consummation of the proposed transactions as early as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-976; Filed, Feb. 3, 1948; 8:48 a. m.]

[File No. 70-1723]

CAPITAL TRANSPORTATION CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of January A. D. 1948.

Notice is hereby given that Capital Transportation Company ("Capital"), a transportation subsidiary of Arkansas Power & Light Company, an electric utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed an application and amendment thereto pursuant to the Public Utility Holding Company Act of 1935. Applicant has designated section 6 (b) of the act as applicable to the proposed transactions.

All interested persons are referred to said application, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Capital proposes to obtain a bank loan in the principal amount of $275,000 from the Central Hanover Bank and Trust Company, New York, said loan to be evidenced by an unsecured promissory note payable on or before 9 months from date and bearing interest at the rate of 3% per annum. The application states that the Company expects to receive a tax refund for the year 1945 in the approximate amount of $307,000 on or about July 31, 1948, and states that as a result of such tax refund it will then have sufficient funds to repay the proposed loan. Capital further states that the proceeds from the loan will be used to complete its program of conversion from street railway to motor and trolley coach operation.

Capital requests that the Commission's order herein be issued as promptly as may be practicable and that it may be effective forthwith upon the issuance thereof.

Notice is further given that any interested person may not later than February 9, 1948, at 5:30 p. m., e. s. t., request the Commission in writing, that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 9, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-977; Filed, Feb. 3, 1948; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp. E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10415]

RICHARD HELLMANN

In re: Indenture of Trust made by Richard Hellmann, dated January 4, 1928, as amended. File F-28-14023-G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Horst nee Palm, Margarete Balke nee Palm, Frieda Hintz nee Palm and Mrs. Elsbeth Jurk nee Palm, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of the trust created by Indenture of Trust made by Richard Hellmann, dated January 4, 1928, as amended, and presently administered by Title Guarantee and Trust Company, 176 Broadway, New York 7, New York, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1006; Filed, Feb. 3, 1948; 8:54 a. m.]

[Vesting Order 10418]

GUSTAV REISS

In re: Rights of Gustav Reiss under Insurance Contracts. File No. D-28-11609-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Reiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. A–25658, No. A–25886 and No. A–26025, issued by the Mutual Life Insurance Company of New York, New York City, N. Y., to Christian F. Reihs, also known as Christian F. Reiss, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–1007; Filed, Feb. 3, 1948; 8:54 a. m.]

[Vesting Order 10422]

GUSTAV REISS

In re: Rights of Gustav Reiss under Insurance Contract. File No. D–28–11609–H–5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Reiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9426405, issued by The Equitable Life Assurance Society of the United States, New York, N. Y., to Christian F. Reihs, also known as Christian F. Reiss, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–1008; Filed, Feb. 3, 1948; 8:54 a. m.]

[Vesting Order 10423]

GUSTAV REISS

In re: Rights of Gustav Reiss under Insurance Contract. File No. D–28–11609–H–6.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Reiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9458203, issued by The Equitable Life Assurance Society of the United States, New York, N. Y., to Christian F. Reihs, also known as Christian F. Reiss, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–1009; Filed, Feb. 3, 1948; 8:54 a. m.]

[Vesting Order 10424]

GUSTAV REISS

In re: Rights of Gustav Reiss under Insurance Contract. File No. D–28–11609–H–7.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Reiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9475751, issued by The Equitable Life Assurance Society of the United States, New York, N. Y., to Christian F. Reihs, also known as Christian F. Reiss, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1010; Filed, Feb. 3, 1948; 8:45 a. m.]

[Vesting Order 10425]

GUSTAV REISS

In re: Rights of Gustav Reiss under Insurance Contract. File No. D-28-11609-H-8.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Reiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 10513267, issued by The Equitable Life Assurance Society of the United States, New York, N. Y., to Christian F. Reihs, also known as Christian F. Reiss, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1011; Filed, Feb. 3, 1948; 8:55 a. m.]

[Vesting Order 10426]

KARL REISS

In re: Rights of Karl Reiss under Insurance Contract. File No. D-28-11609-H-9.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Reiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9830198, issued by The Equitable Life Assurance Society of the United States, New York, N. Y., to Christian F. Reihs, also known as Christian F. Reiss, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1012; Filed, Feb. 3, 1948; 8:55 a. m.]

[Vesting Order 10435]

AUGUST VOGELER ET AL.

In re: August Vogeler et al. vs. Sophie C. Willis et al. File No. 017-20001.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Stephan Albert Heinrich von Groning, Dorothea Henriette Klosterkemper, and Bernhard Klosterkemper, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next-of-kin, devisees and distributees, names unknown, of Stephan Albert Heinrich von Groning and Dorothea Henriette Klosterkemper, who, there is reasonable cause to believe, are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the proceeds of the real estate sold pursuant to Court Order in a Partition Suit entitled "August Vogeler et al. vs. Sophie C. Willis et al." in the Circuit Court of Baltimore City, Baltimore, Maryland, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by George Ross Veazey and August Vogeler, Trustees, acting under the judicial supervision of the Circuit Court of Baltimore City, Baltimore, Maryland;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next-of-kin, devisees and distributees, names unknown, of Stephan Albert Heinrich von Groning and Dorothea Henriette Klosterkemper are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1013; Filed, Feb. 3, 1948; 8:55 a. m.]

[Vesting Order 10487]

GRATA HEIL AND EMMY WUNSCHEL

In re: Stock owned by Grata Heil and Emmy Wunschel. F-28-22597-D-2, F-28-24142-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788 and pursuant to law, after investigation, it is hereby found:

1. That Grata Heil, whose last known address is Wezlarstrasse No. 33, Buzbach, Germany, and Emmy Wunschel, whose last known address is c/o Emmy Maar, Merckstrasse 1/1, Ansbach, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: One hundred thirty-six (136) shares of $2 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by the certificates whose numbers are listed below, registered in the names of the persons listed below in the amounts set forth opposite said names as follows:

Certificate No.	Name in which registered	Number of shares
SFM 34452	Grata Heil	50
SFM 34453	do	50
SFS 4770	do	26
SFT 16384	Emmy Wunschel	10

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 28, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1014; Filed, Feb. 3, 1948; 8:55 a. m.]

[Vesting Order 10538]

WILMA K. BRANDT

In re: Estate of Wilma K. Brandt, deceased. File D-28-9627; E. T. sec. 13346.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Tiedt, Ursula Tiedt, Frieda Krohn, Dorothea Helene Emma Heine, referred to in the Will of Wilma K. Brandt, deceased, as Emma Lehmann, and Wilhelmine Ciborowius, referred to in the Will of Wilma K. Brandt, deceased, as Wilhelmina Ciborowius, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees of Emma Tiedt, deceased, names unknown, and the issue of Wilhelmine Ciborowius, referred to in the Will as Wilhelmina Ciborowius, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them in and to the estate of Wilma K. Brandt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Central Hanover Bank and Trust Company, as executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees of Emma Tiedt, deceased, names unknown, and the issue of Wilhelmine Ciborowius, referred to in the Will of Wilma K. Brandt, deceased, as Wilhelmina Ciborowius, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 28, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1015; Filed, Feb. 3, 1948; 8:55 a. m.]

[Vesting Order 10539]

LOUISE GROSSMANN

In re: Estate of Louise Grossmann, deceased. File No. D-28-1481; E. T. 190.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Erman nee Betz, Johanna Bock nee Betz, Louise (Luise) Laup nee Kemmer, Walter Kemmer, Hilde Weisgerber nee Kemmer, Otto Kemmer, Hedwig von Stettin nee Kemmer, Guenther Ballhorn, Gerhild Ballhorn, Gisela Ballhorn and Auguste Hopf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Mathilde Kemmer, Gertrude Ballhorn nee Kemmer and Heinrich Hopf, and the heirs, names unknown, of Anna Stransky, Emma Sommer and Fritz Kreyssig, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Louise Grossmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Richard C. Thauer and L. H. Kusel, Co-executors, acting under the judicial supervision of the County Court of Jefferson County, State of Wisconsin,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Mathilde Kemmer, Gertrude Ballhorn nee Kemmer and Heinrich Hopf, and the heirs, names unknown, of Anna Stransky, Emma Sommer and Fritz Kreyssig, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 28, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1016; Filed, Feb. 3, 1948; 8:55 a. m.]

[Vesting Order 10540]

FRED KLUMP

In re: Estate of Fred Klump, deceased. File D-28-11638. E. T. sec. 15863.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Roslo Wustholz, Katherine Wurster, Gohanna Fischer, Christine Pfau and Louise Rieger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Fred Klump, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John L. Klump, as administrator, acting under the judicial supervision of the County Court of Morgan County, Illinois, Jacksonville, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 28, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1017; Filed, Feb. 3, 1948; 8:55 a. m.]

[Vesting Order 10603]

JULIUS SPROEGEL

In re: Stock and bank account owned by Julius Sproegel, also known as Jules Sproegel. D-28-825-C-1, D-28-825-D-1, D-28-825-E-1, D-28-825-D-2.

Under the authority of the Trading with the Enemey Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Sproegel, also known as Jules Sproegel, whose last known address is 12 Bismarckallee, Ahrensburg/Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four hundred and sixty (460) shares of $10.00 par value common capital stock of General Motors Corporation, 1775 Broadway, New York 19, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate registered in the name of Jules Sproegel, said certificates numbered and in the amounts appearing opposite each certificate number as follows:

Certificate No.:	Amount
E-630353	100
E-630354	100
E-630355	100
E-630356	100
WC-410681	37
WC-527528	23

together with all declared and unpaid dividends thereon,

b. Three thousand (3,000) shares of no par value common capital stock of Loew's Inc., 1540 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates registered in the name of Jules Sproegel, said certificates numbered and in the amounts appearing opposite each certificate number as follows:

Certificate No.	Amount
139033	100
139348	100
139349	100
139350	100
139635	100
139636	100
139637	100
139638	100
139639	100
139788	100
15896	100
15897	100
15898	100
15899	100
15900	100
15901	100
15902	100
15903	100
15904	100
15905	100
15906	100
15907	100
15908	100
15909	100
15910	100
15911	100
15912	100
15913	100
15914	100
15915	100

together with all declared and unpaid dividends thereon,

c. Forty (40) shares of $100 par value capital stock of Union Pacific Railroad Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Utah, evidenced by certificate numbered A 575430, registered in the name of Clement, Curtis & Company, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Julius Sproegel, also known as Jules Sproegel, by Harris Trust and Savings Bank, 115 West Monroe Street, Chicago, Illinois, arising out of a checking account, entitled Jules Sproegel, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same, subject, however, to the claim of E. W. Ohman, in the amount of $1573.42 for fees for services pursuant to a power-of-attorney dated October 22, 1940,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Julius Sproegel, also known as Jules Sproegel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1018; Filed, Feb. 3, 1948; 8:56 a. m.]